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JOURNAL

OF THE

PROCEEDINGS OF THE SENATE.

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THE  
JOURNAL OF THE SENATE

DURING THE  
TWENTY-FIFTH SESSION

OF THE  
LEGISLATURE OF THE STATE OF CALIFORNIA,  
1883.

BEGAN ON MONDAY, JANUARY EIGHTH, AND ENDED ON TUESDAY, MARCH  
THIRTEENTH, EIGHTEEN HUNDRED AND EIGHTY-THREE.



SACRAMENTO:  
STATE OFFICE..... JAMES J. AYERS, SUPT. STATE PRINTING.  
1883.



# CALIFORNIA LEGISLATURE—SENATE.

## TWENTY-FIFTH SESSION.

### IN SENATE.

SENATE CHAMBER,  
Monday, January 8, 1883. }

The Senate met at twelve o'clock M., pursuant to the requirements of the Constitution of the State of California.

The Hon. John Mansfield, President of the Senate, presided, and announced that "this being the time designated in the Constitution for the meeting of the Legislature, the Senate will come to order. The Secretary will call the roll of Senators returned by the Secretary of State as elected."

### ROLL CALL.

The Secretary then called the roll of the Senators elect, and the following Senators responded:

*First District*—San Diego and San Bernardino: John Wolfskill.  
*Second District*—Los Angeles: R. F. Del Valle.  
*Third District*—Ventura, Santa Barbara, and San Luis Obispo: George Steele.  
*Fourth District*—Fresno, Tulare, Kern, Mono, and Inyo: C. Reddy.  
*Fifth District*—Mariposa, Merced, and Stanislaus: J. D. Spencer.  
*Sixth District*—Monterey, San Benito, and Santa Cruz: Ben. Knight.  
*Seventh District*—Santa Clara: C. H. Maddox.  
*Eighth District*—San Francisco and San Mateo: J. Lynch.  
*Ninth District*—San Francisco: T. McCarthy.  
*Tenth District*—San Francisco: D. McClure and G. H. Perry.  
*Eleventh District*—San Francisco: E. Keating and T. K. Nelson.  
*Twelfth District*—San Francisco: J. T. Dougherty and Martin Kelly.  
*Thirteenth District*—San Francisco: F. J. Sullivan and W. Cronan.  
*Fourteenth District*—Alameda: H. Vrooman.  
*Fifteenth District*—Contra Costa and Mariu: W. B. English.  
*Sixteenth District*—San Joaquin and Amador: B. F. Langford and F. T. Baldwin.  
*Seventeenth District*—Calaveras and Tuolumne: C. D. Reynolds.  
*Eighteenth District*—Sacramento: J. Routier and Fred. Cox.  
*Nineteenth District*—Solano and Yolo: J. M. Dudley and K. E. Kelley.  
*Twentieth District*—Napa, Lake, and Sonoma: D. Spencer.  
*Twenty-first District*—Sonoma: G. A. Johnson.  
*Twenty-second District*—Placer: J. A. Filcher.  
*Twenty-third District*—El Dorado and Alpine: T. Fraser.  
*Twenty-fourth District*—Nevada and Sierra: C. W. Cross and H. W. Wallis.  
*Twenty-fifth District*—Yuba and Sutter: A. L. Chandler.  
*Twenty-sixth District*—Butte, Plumas, and Lassen: W. W. Kellogg.  
*Twenty-seventh District*—Del Norte, Humboldt, and Mendocino: P. H. Ryan.  
*Twenty-eighth District*—Siskiyou, Modoc, Trinity, and Shasta: C. W. Taylor.  
*Twenty-ninth District*—Colusa and Tehama: C. F. Foster.

## OATH OF OFFICE.

The Senators elect now took and subscribed to the oath of office, administered by the President, as follows:

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of State Senator according to the best of my ability.

## TEMPORARY OFFICERS.

The President then announced the following as temporary officers, except as to those provided by law:

*Sergeant-at-Arms*—A. Wasson.  
*Assistant Sergeant-at-Arms*—A. L. Van Mater.  
*Gatekeepers*—W. C. Jordan and Charles Collins.  
*Porter*—R. C. Ferguson.  
*Porter, Gallery*—Albert Connors.  
*Pages*—Grove D. Deal, David Foltz, and William Ustick.  
*Postmistresses*—Mrs. Ives.  
*Mail Carrier*—Thomas McGann.  
*Rear Porter*—Hart Jones.  
*Watchman*—Joseph Johnston.

## RULES.

Mr. Langford moved that the rules of the last Senate be adopted so far as they apply to a temporary organization of the Senate.  
 Adopted.

## RESOLUTION.

Mr. Filcher offered the following:

*Resolved*, That when this Senate adjourns, its adjournment shall be out of respect to the memory of General Jackson, and in commemoration of the battle of New Orleans.

Adopted.

## ADJOURNMENT.

Mr. Kellogg moved to adjourn.  
 Carried.  
 Whereupon the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
 Tuesday, January 9, 1883. }

The Senate met pursuant to adjournment.  
 Hon. John Mansfield presiding.  
 The roll of the Senate was called, and the following Senators answered to their names:

Messrs. Baldwin, Filcher, Fraser, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, McClure, Nelson, Perry, Reynolds, Ryan, Steele, Taylor, Vrooman, Wallis, and Wolfskill.



There not being a quorum present, the President ordered a recess of half an hour.

REASSEMBLED.

The Senate reassembled at ten o'clock and thirty minutes A. M.  
Hon. John Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Chandler, Dudley, Fraser, McClure, Perry, Routier, Steele, Vrooman, and Wallis.

No quorum present.

Mr. Dudley moved to take a recess until half-past one o'clock.

Carried.

REASSEMBLED.

The Senate reassembled at one o'clock and thirty minutes P. M.

Hon. John Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Filcher, Fraser, Johnson, Kelly of San Francisco, Kellogg, Knight, Langford, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, and Wolfskill.

Quorum present.

Mr. Del Valle moved to dispense with the reading of the minutes.

Carried.

Mr. Spencer of Napa moved to proceed to the election of officers.

Carried.

The President of the Senate announced that under the Code the first business in order was the election of the President pro tem. of the Senate.

Mr. Johnson of Sonoma nominated Hon. R. F. Del Valle.

Mr. Fraser nominated Hon. D. McClure.

MESSAGE FROM THE ASSEMBLY.

The following message from the Assembly was read:

ASSEMBLY CHAMBER, STATE CAPITOL, SACRAMENTO, January 9, 1883.

*To the honorable the Senate of the State of California:*

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly of the State of California has this day completed its organization by the election of the following officers:

Hon. Hugh M. Larue.....	Speaker.
Hon. J. C. Campbell.....	Speaker pro tem.
James Farrelly.....	Sergeant-at-Arms.
James P. Martin.....	Assistant Sergeant-at-Arms.
M. C. Haley.....	Chief Clerk.
Julius Reimer and George W. Herbert.....	Assistant Clerks.
Thomas Cleary.....	Minute Clerk.
Charles A. Giffin.....	Engrossing Clerk.
C. B. Swift.....	Enrolling Clerk.
M. Fannie Burnett.....	Postmistress.
Rev. E. R. Ware.....	Chaplain.

G. E. McSTAY, Chief Clerk of the Assembly.

Mr. J. J. Harrigan appeared and was sworn in as Senator.

The Senate then proceeded to the election of President pro tem. of the Senate:

*For Del Valle*—Messrs. Baldwin, Cox, Cronan, Cross, Dougherty, English, Fileher, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Reddy, Reynolds, Ryan, Speneer of Napa, Speneer of Stanislaus, Sullivan, Taylor, and Wolfskill.

*For McClure*—Messrs. Chandler, Del Valle, Dudley, Fraser, Perry, Routier, Steele, Vrooman, and Wallis.

Whole number of votes cast.....	35
Mr. Del Valle received.....	26
Mr. McClure received.....	9

Mr. Del Valle, having received a majority of all the votes cast, was declared elected President pro tem. of the Senate.

#### SECRETARY OF THE SENATE.

Mr. Cox nominated Edwin F. Smith.

Mr. Steele nominated James Orr.

The roll was called with the following result:

*For Smith*—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, English, Fileher, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Nelson, Reddy, Reynolds, Ryan, Speneer of Napa, Speneer of Stanislaus, Sullivan, Taylor, and Wolfskill.

*For Orr*—Messrs. Chandler, Dudley, Fraser, McClure, Perry, Routier, Steele, Vrooman, and Wallis.

Whole number of votes cast.....	35
Necessary to a choice.....	18
Mr. Smith received.....	26
Mr. Orr received.....	9

Mr. Smith, having received a majority of all the votes cast, was duly declared elected the Secretary of the Senate.

#### ASSISTANT SECRETARIES.

Mr. Sullivan nominated J. J. McCarthy.

Mr. Baldwin nominated A. T. Vogelsang.

Mr. Vrooman nominated C. J. Johns and C. N. Post.

#### RESOLUTION.

Introduced by Spencer of Napa:

*Resolved*, That each member cast his vote for two candidates for Assistant Secretaries of the Senate, and the two receiving the majority of all the votes cast to be declared elected.

Adopted.

*For McCarthy*—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, English, Fileher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Nelson, Reddy, Reynolds, Ryan, Speneer of Napa, Speneer of Stanislaus, Sullivan, Taylor, and Wolfskill.

*For Vogelsang*—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, English, Fileher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Nelson, Reddy, Reynolds, Ryan, Speneer of Napa, Speneer of Stanislaus, Sullivan, Taylor, and Wolfskill.

*For Johns*—Messrs. Chandler, Dudley, Fraser, McClure, Perry, Routier, Steele, Vrooman, and Wallis.

*For Post*—Messrs. Chaudler, Dudley, Fraser, McClure, Perry, Routier, Steele, Vrooman, and Wallis.

Whole number of votes cast .....	37
Necessary to a choice .....	19
Mr. McCarthy received .....	28
Mr. Vogelsang received .....	28
Mr. Johns received .....	9
Mr. Post received .....	9

Messrs. McCarthy and Vogelsang, having received a majority of all the votes cast, were declared elected as Assistant Secretaries of the Senate.

#### SERGEANT-AT-ARMS.

Mr. Maddox nominated Mr. I. S. Messee.

Mr. Routier nominated Mr. A. J. Rhodes.

*For Messee*—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill.

*For Rhodes*—Messrs. Chandler, Dudley, Fraser, McClure, Perry, Routier, Steele, Vrooman, and Wallis.

Whole number of votes cast .....	36
Necessary to a choice .....	19
Mr. Messee received .....	27
Mr. Rhodes received .....	9

Mr. Messee, having received a majority of all the votes cast, was duly declared elected Sergeant-at-Arms of the Senate.

#### ASSISTANT SERGEANT-AT-ARMS.

Mr. English nominated Mr. J. B. Sydnor.

Mr. Wallis nominated Mr. E. M. Congdon.

The roll was called with the following result:

*For Sydnor*—Messrs. Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill.

*For Congdon*—Messrs. Chandler, Dudley, Fraser, McClure, Perry, Routier, Steele, Vrooman, and Wallis.

Whole number of votes cast .....	36
Necessary to a choice .....	19
Mr. Sydnor received .....	27
Mr. Congdon received .....	9

Mr. Sydnor, having received a majority of the votes cast, was duly declared elected as Assistant Sergeant-at-Arms.

#### MINUTE CLERK.

Mr. Knight nominated Mr. A. A. Taylor.

Mr. Dudley nominated Mr. F. W. Gross.

The roll was called with the following result:

*For Taylor*—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch,

Maddox, McCarthy, Nelson, Reddy, Reynolds, Ryan, Speneer of Napa, Speneer of Stanislaus, Sullivan, Taylor, and Wolfskill.

*For Gross*—Messrs. Chandler, Dudley, Fraser, McClure, Perry, Routier, Steele, Vrooman, and Wallis.

Whole number of votes cast .....	37
Necessary to a choice .....	19
Mr. Taylor received .....	23
Mr. Gross received .....	9

Mr. Taylor, having received a majority of the votes cast, was duly declared elected Minute Clerk of the Senate.

Mr. McCarthy asked permission to introduce a resolution.  
Granted.

*Resolved*, That R. G. Falk be appointed Assistant Minute Clerk of the Senate, at a per diem to be hereafter fixed, payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

Mr. Lynch asked leave to introduce a resolution.

Declared out of order.

Read for information and ruled out of order.

#### JOURNAL CLERK.

Mr. Langford nominated Mr. W. J. McGee.

Mr. Perry nominated Mr. J. R. Brierly.

The roll was called with the following result:

*For McGee*—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill.

*For Brierly*—Messrs. Chandler, Dudley, Fraser, McClure, Perry, Routier, Steele, Vrooman, and Wallis.

Whole number of votes cast .....	37
Necessary to a choice .....	19
Mr. McGee received .....	23
Mr. Brierly received .....	9

Mr. McGee, having received a majority of the votes cast, was declared duly elected Journal Clerk of the Senate.

Mr. Ryan made a motion, which was duly seconded, to pass the election of Enrolling Clerk for the present.

Carried.

#### ENGROSSING CLERK.

Mr. Keating nominated Mr. Geo. Tuttle.

Mr. McClure nominated Mr. E. C. Humphreys.

The roll was called with the following result:

*For Tuttle*—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Nelson, Reddy, Reynolds, Ryan, Speneer of Napa, Spencer of Stanislaus, Sullivan, and Taylor.

*For Humphreys*—Messrs. Chandler, Dudley, Fraser, McClure, Perry, Routier, Steele, Vrooman, and Wallis.

Whole number of votes cast .....	36
Necessary to a choice .....	19
Mr. Tuttle received .....	27
Mr. Humphreys received .....	9

Mr. Tuttle, having received a majority of the votes cast, was duly declared elected as Engrossing Clerk of the Senate.

#### POSTMISTRESS.

Mr. Harrigan nominated Mrs. J. V. David.  
The roll was called with the following result:

*For David*—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelley of Solano, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stauislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Whole number of votes cast, thirty-seven.

Mrs. David, having received all the votes cast, was duly declared elected Postmistress of the Senate.

Mr. Perry offered the following resolution:

*Resolved*, That the Secretary of the Senate, Minute Clerk, and Sergeant-at-Arms of the Senate, during the preliminary organization, be allowed one week's pay, payable out of the Contingent Fund of the Senate.

Adopted.

Mr. Ryan offered the following resolution:

*Resolved*, That the Secretary of the Senate be directed to inform the Assembly, that the Senate is now organized and ready to proceed to business, with the following officers:

President pro tem.	.....	R. F. Del Valle.
Secretary	.....	Edwin F. Smith.
Assistant Secretaries	.....	J. J. McCarthy, A. T. Vogelsang.
Sergeant-at-Arms	.....	I. G. Messec.
Assistant Sergeant-at-Arms	.....	J. B. Sydnor.
Minute Clerk	.....	A. A. Taylor.
Assistant Minute Clerk	.....	R. G. Falk.
Journal Clerk	.....	Win. J. McGee.
Engrossing Clerk	.....	George Tuttle.
Postmistress	.....	Mrs. J. V. David.

Adopted.

Mr. Lynch offered the following resolution:

*Resolved*, That F. Cavagnario be and he hereby is appointed Night Watchman, at a per diem to be fixed hereafter, payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

Mr. Lynch offered the following resolution:

*Resolved*, That the Sergeant-at-Arms be empowered to appoint Major James Buckner and W. P. Jordau as Gatekeepers, one for each side of the Senate Chamber, at a per diem to be fixed hereafter by the Senate.

Adopted.

Mr. Nelson offered the following resolution:

*Resolved*, That Thomas McGann is hereby appointed Mail Carrier of the Senate, at a per diem to be hereafter fixed by the Senate.

Adopted.



Mr. Harrigan offered the following resolution :

*Resolved*, That Hank Jones is hereby appointed Watchman of the Gallery.

Adopted.

The officers elect of the Senate appeared and took the oath of office.

Mr. Filcher offered the following resolution :

*Resolved by the Senate, the Assembly concurring*, That a committee of six (6), three from the Senate and three from the Assembly, be appointed to notify the Governor that the Legislature is now organized and ready to receive any communication he may wish to make.

Adopted.

The President appointed Senators Filcher, Cross, and Perry on said committee.

Mr. Spencer of Napa offered the following resolution :

*Resolved by the Senate, the Assembly concurring*, That a committee, consisting of three members of the Senate and three members of the Assembly, be appointed to confer with the Governor elect as to what time the inauguration ceremonies shall take place, and that said committee have full power in the matter.

Adopted.

Mr. Del Valle offered the following resolution :

*Resolved by the Senate, the Assembly concurring*, That the Senate and Assembly meet in Joint Convention on Tuesday, January tenth, at twelve o'clock noon, for the purpose of canvassing the vote and declaring the result of the election for Governor and Lieutenant-Governor.

Lost.

Mr. Taylor offered the following resolution :

*Resolved*, That the Secretary of the Senate be directed to inform the Assembly that the Senate is now ready to meet in Joint Convention to canvass the vote for Governor and Lieutenant-Governor.

The President appointed, under the resolution offered by the Senator from Napa, Senators Spencer of Napa, Johnson of Sonoma, and McClure of San Francisco.

Mr. Cross moved to take a recess, subject to the call of the Chair.

Lost.

Mr. Fraser moved to take a recess of fifteen minutes.

Carried.

#### REASSEMBLED.

Senate reassembled at three o'clock and fifteen minutes P. M., the following Senators being present :

Messrs. Baldwin, Chandler, Cox, Cronan, Del Valle, Dougherty, Dudley, English, Filcher, Foster, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Perry, Reddy, Reynolds, Routier, Ryan, Spence of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, and Wolfskill.

Quorum present.

Mr. Vrooman asked indefinite leave of absence for Senator Whitney of Alameda.

Allowed.

#### MESSAGE FROM THE ASSEMBLY.

The Clerk of the Assembly appeared and the following message was read :

ASSEMBLY CHAMBER, STATE CAPITOL, SACRAMENTO, January 9, 1883.

*To the honorable the Senate of the State of California:*

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly will be ready to receive the Senate in Joint Convention, in the Assembly Chamber, at three o'clock and thirty minutes p. m. this day, for the purpose of canvassing the election returns for Governor and Lieutenant-Governor, and declaring the result.

M. C. HALEY, Chief Clerk of the Assembly.

Mr. McClure moved to amend the resolution that had been offered by Mr. Del Valle, and to make the time three o'clock and thirty minutes p. m., January ninth.

Carried.

Mr. Filcher reported as Chairman of the committee, that he had conferred with the Governor, and that he had stated he had a message he wished to remit at once.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, )  
SACRAMENTO, January 9, 1883. }

*To the Senate of the State of California:*

I herewith transmit to your honorable body my second message, with accompanying documents. As there is but one copy of the report of Warren B. Ewer, Esq., Commissioner to the Denver Exposition, and one of the State Board of Examiners, I respectfully ask that the Assembly be informed of their receipt.

GEORGE C. PERKINS, Governor.

Mr. Ryan moved to make the Governor's message the special order for Thursday, January eleventh, immediately after the reading of the Journal.

The Chief Clerk of the Assembly appeared and delivered the following message: "The Assembly is now ready to receive the Senate."

#### IN JOINT CONVENTION—PROCEEDINGS OF JOINT CONVENTION TO CANVASS THE RETURNS OF THE ELECTION FOR GOVERNOR AND LIEUTENANT-GOVERNOR.

The President of the Senate and Senators were announced and received in Joint Convention.

The Convention was called to order by the Speaker of the House and President of the Senate.

The roll of Senators was called by the Secretary of the Senate, and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Fileher, Foster, Fraser, Harrigan, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spence of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, and Wolfskill.

The roll of the Assembly was called by the Chief Clerk, and the following members responded to their names:

Messrs. Barry, Beard, Bibb, Booth, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Larue, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Rowland, Ryan, Sinon,

Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, and Yell.

The Secretary of the Senate read the joint resolution authorizing a Joint Convention.

The President of the Senate appointed as tellers on the part of the Senate, Senators Taylor and Vrooman.

The Speaker of the House appointed as tellers on the part of the Assembly, Messrs. Nicol and Murdock.

The tellers announced that the vote cast at the last general election, held on the seventh day of November, 1882, for Governor and Lieutenant-Governor, was as follows :

#### FOR GOVERNOR.

George Stoneman.....	90,724
Morris M. Estee .....	67,175
T. J. McQuiddy.....	1,020
R. H. McDonald.....	5,765
Scattering.....	18
Whole number of votes cast for Governor.....	164,702

#### FOR LIEUTENANT-GOVERNOR.

John Daggett.....	87,944
A. R. Conklin .....	71,540
Wm. Sims.....	3,785
W. J. Sweasy.....	1,138
Scattering.....	7
Whole number of votes cast for Lieutenant-Governor.....	164,414

The Speaker thereupon declared the result as certified by the Secretary of State and the tellers of the Convention to be: Total number of votes cast for Governor, 164,702; and that George Stoneman, having received a majority of the votes cast, was duly elected Governor of the State of California; and that John Daggett, having received a majority of the votes cast at said general election for Lieutenant-Governor, was duly elected Lieutenant-Governor of the State of California, according to the Constitution and laws of the State.

The committee appointed to confer with the Governor in regard to the inaugural ceremonies, made report verbally, that his Excellency the Governor elect desired the ceremony to take place in the Assembly Chamber, at twelve o'clock to-morrow.

The Senate reassembled at four o'clock and forty minutes P. M., and the following Senators were present :

Messrs. Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, Fileher, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Maddox, Langford, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, and Wolfskill.

Quorum present.

Mr. Spencer of Napa, from the committee appointed to consult with the Governor elect as to time of holding inaugural ceremonies, reported that they had agreed upon the hour of twelve o'clock M., Wednesday, January tenth, eighteen hundred and eighty-three.

At four o'clock and forty-five minutes, Mr. Ryan moved to adjourn to eleven o'clock on Wednesday, January tenth, eighteen hundred and eighty-three.

Carried.

Whereupon the Senate adjourned.



## IN SENATE.

SENATE CHAMBER,  
 Wednesday, January 10, 1883. }

The Senate met pursuant to adjournment.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of Solano, Kellogg, Knight, Langford, Lynch, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Mr. Kellogg moved to dispense with the reading of the minutes.

Lost.

Journal of yesterday read, and after correcting several clerical errors, was approved.

## RESOLUTIONS.

Mr. Kellogg offered the following resolution:

*Resolved*, That a committee of three be appointed by the President and report the amount due as mileage and per diem to the officers and attachés of the last session, and per diem due the temporary officers for services rendered in the organization of the Senate.

Adopted.

The President appointed as such committee, Senators Kellogg, Ryan, and Perry.

Mr. Spencer of Napa asked that the Committee on Inauguration be permitted to retire.

Granted.

Senators Murphy and Whitney appeared, and took the oath of office.

Mr. Cronan offered the following resolution:

*Resolved*, That John H. Williams be and hereby is appointed Postmaster's Page of the Senate, at a per diem to be hereafter fixed, payable out of the appropriation for the contingent expenses of the Senate.

Moved by Mr. Kellogg to lay on the table.

Carried.

Mr. Ryan offered the following resolution:

*Resolved*, That the Controller of State be and is hereby directed to draw his warrant on the State Treasurer for the amount due from the State for per diem and mileage to Honorable John Mansfield, the retiring Lieutenant-Governor, as fixed by law and the resolution of the Senate.

Adopted.

Mr. Cross moved to take a recess until eleven o'clock and fifty-five minutes A. M.

Carried.

## REASSEMBLED.

Senate reassembled at eleven o'clock and fifty-five minutes A. M.

President Mansfield in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Foster, Fraser, Harrigan, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Mr. McClure, of the Committee on Inauguration, made verbal report that the Governor and Lieutenant-Governor elect were in readiness in the Assembly Chamber to proceed with the inaugural ceremonies.

At twelve o'clock M. the Senate retired to the Assembly Chamber for the purpose of holding the inaugural ceremonies.

#### IN JOINT CONVENTION.

Wednesday, January tenth, at twelve o'clock M., pursuant to adjournment, the Joint Convention met in the Assembly Chamber, and was called to order by ex-President Mansfield, in conjunction with Speaker Larue.

The rolls of the Senate and Assembly were called by the Secretary of the Senate and the Chief Clerk of the Assembly, and the following Senators and Assemblymen answered as being present:

Senators Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Assemblymen Barry, Beard, Bibb, Booth, Bowers, Briceland, Brown, Callaghan, Caminetti, Campbell, Carter, Cary, Clark, Clement, Coleman, Coombs, Crumpton, Culver, Cutter, Doty, Farley, Faw, Field, Fleming, Flynn, Fortna, Gaussail, Granger, Hall, Hamilton, Harvey, Head, Healy, Heath, Hershey, Hollister, Hughes, Hunter, Irwin, Johnston, Keeler, Kerrick, Levenson, Lewison, Martin, Matthews, McClaskey, McDonald, McHale, McKinley, Moffitt, Murdock, Murphy, Nicol, O'Connor, Parker, Peterson, Plover, Rawle, Reeves, Rhiel, Rowland, Ryan, Sinon, Smith, Stephens, Stewart, Storke, Sweetland, Terry, Townsend, Walrath, Weaver, Wharton, Wheat, Wheelan, Yell, and Mr. Speaker.

Quorum present.

Proceedings of Joint Convention of yesterday were read and approved.

President Mansfield and Speaker Larue in the chair.

The Joint Committee on Inaugural Ceremonies presented at the bar of the Joint Convention George Stoneman, Governor elect, and announced that he was in readiness to take the oath of office.

Governor Perkins introduced General George Stoneman, Governor elect.

The oath of office was administered by the Hon. W. S. Buckley, Judge of the Superior Court of San Joaquin County, to the Governor elect, as follows:

#### OATH OF OFFICE OF GOVERNOR.

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Governor according to the best of my ability. So help me God.

Governor Stoneman now read his inaugural address. (For Governor's address see Appendix.)

## OATH OF OFFICE OF LIEUTENANT-GOVERNOR.

Lieutenant-Governor elect John Daggett now came forward and took the oath of office as follows :

I do solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of Lieutenant-Governor of the State of California according to the best of my ability. So help me God.

Which was administered by the Hon. W. S. Buckley, Judge of the Superior Court of San Joaquin County.

Lieutenant-Governor Daggett was now introduced by Lieutenant-Governor Mansfield, and made a brief address.

Senator McClure moved that the minutes of the Joint Convention be approved as read.

So ordered.

## ADJOURNMENT.

The Joint Convention adjourned *sine die*, on motion of Mr. Cutter.

## REASSEMBLED.

The Senate reassembled at twelve o'clock and thirty-five minutes P. M.

The roll was called and the following Senators answered to their names :

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill.

Quorum present.

Ex-Lieutenant-Governor Mansfield then presented Lieutenant-Governor John Daggett to the Senate.

Mr. Johnson moved that the thanks of the Senate be tendered to Ex-Lieutenant-Governor Mansfield for the able and impartial manner in which he had presided.

Carried unanimously.

At one o'clock and ten minutes P. M., on motion of Mr. Keating, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
THURSDAY, January 11, 1883. }

The Senate met pursuant to adjournment.

President Daggett in the chair.

The roll was called and the following Senators answered to their names :

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Mr. Johnson moved to dispense with the reading of the Journal.  
Lost.

Journal of yesterday read and approved.

#### SPECIAL ORDER.

Consideration of Governor's Message.  
Read as follows:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 9, 1883. }

*To the Senate of the State of California:*

I herewith transmit to your honorable body my second message, with accompanying documents.

As there is but one copy of the report of Warren B. Ewer, Esq., Commissioner to the Denver Exposition, and one of the State Board of Examiners, I respectfully ask that the Assembly be informed of their receipt.

GEORGE C. PERKINS, Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January —, 1883. }

*To the Senate of the State of California:*

I have the honor to inform your honorable body that since the adjournment of the twenty-fourth session of the Legislature, I have made the following appointments, and request your concurrence thereto:

May 20, 1881—N. Greene Curtis, Regent of the University of California, Sacramento, vice Moss, deceased.

May 28, 1881—J. F. Houghton, Trustee of the Asylum for the Deaf, Dumb, and Blind, Oakland, vice Crane, resigned.

July 1, 1881—I. W. Hellman, Regent of the University of California, Los Angeles, vice Mills, resigned.

December 14, 1881—William H. Dimond, Brigadier-General Second Brigade, N. G. C., San Francisco, vice McComb, retired.

March 29, 1882—Charles M. Cogan, Trustee of the State Burial Grounds, Sacramento, vice Hastings, term expired.

May 18, 1882—Lewellyn Tozer, Brigadier-General Fourth Brigade, N. G. C., Sacramento, vice Sheehan, resigned.

June 22, 1882—C. W. C. Rowell, Brigadier-General First Brigade, N. G. C., San Bernardino, vice Banning, resigned.

September 6, 1881—C. Cadwalader, Brigadier-General Fifth Brigade, N. G. C., Red Bluff, vice himself, term expired.

J. G. Wall, Brigadier-General Sixth Brigade, N. G. C., Crescent City, vice himself, term expired.

September 14, 1882—Leland Stanford, Regent of the University of California, San Francisco, vice Redding, deceased.

W. W. Traylor, Fish Commissioner, San Francisco, vice Redding, deceased.

December 22, 1882—Jos. D. Redding, Fish Commissioner, San Francisco, vice Farwell, term expired.

December 27, 1882—Martin B. Miller, State Prison Director, Marin, vice Clayton, resigned.

GEORGE C. PERKINS, Governor.

Mr. Langford moved that the consideration of the Gubernatorial appointments be made the special order for Wednesday, January seventeenth, at two o'clock P. M.

Roll-call demanded by Mr. Del Valle.

Roll called with the following result:

AYES—Messrs. Baldwin, Chandler, Dudley, English, Foster, Fraser, Johnson, Keating, Knight, Langford, Maddox, McClure, Perry, Reynolds, Routier, Ryau, Steel, Vrooman, Wallis, and Whitney—20.

NOES—Messrs. Cox, Cronan, Cross, Del Valle, Harrigan, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Murphy, Reddy, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—16.

Carried.

Mr. Kelley of Solano moved that further reading of the message be dispensed with, and that five thousand copies be ordered printed.

Mr. Langford moved to amend by making the number one thousand copies.

Carried.

Mr. Del Valle moved that the Senate proceed to the election of Enrolling Clerk.

Mr. Sullivan nominated A. Norton of Los Angeles.

Mr. McClure moved that the election of Enrolling Clerk be dispensed with.

Mr. Del Valle rose to a point of order, that the Senate had already moved to proceed to election of Enrolling Clerk.

Point of order sustained, and roll called with the following result:

AYES—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, English, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, Murphy, Nelson, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Whitney, and Wolfskill—29.

NOES—Messrs. Chandler, Dudley, Fraser, McClure, Perry, Steele, Vrooman, and Wallis—8.

Mr. Norton, having received a majority of the votes cast, was declared duly elected Enrolling Clerk of the Senate.

#### RESOLUTIONS.

Mr. Kellogg offered the following resolution:

SENATE CHAMBER, SACRAMENTO, January 11, 1883.

MR. PRESIDENT: Your Committee on Mileage and Pay of Temporary Officers of the Senate have had the same under consideration, and report the same and recommend that the following named temporary officers are entitled to mileage and per diem to the amounts set opposite their respective names, and also recommend that said amounts be paid out of the appropriation for the contingent expenses of the Senate and warrants to be drawn therefor:

Hon. John Mansfield, 7 days .....	\$70 00
Hon. John Mansfield, 956 miles .....	95 60
J. A. Orr, Secretary, 372 miles .....	37 20
J. Shaen, Minute Clerk, 168 miles .....	16 80
A. Wasson, Sergeant-at-Arms, 392 miles .....	39 20
A. L. Van Mater, Assistant Sergeant-at-Arms, pay .....	24 00
W. C. Jordan, Gatekeeper, pay .....	12 00
Charles Collins, Gatekeeper, pay .....	12 00
R. C. Ferguson, Porter, pay .....	16 00
Albert Connors, Gallery Porter, pay .....	16 00
Grove D. Deal, Page, pay .....	12 00
David Foltz, Page, pay .....	12 00
Wm. Ustick, Page, pay .....	12 00
Mrs. Ives, Postmistress, pay .....	12 00
Thos. McGann, Mail-Carrier, pay .....	12 00
H. Jones, Rear Porter, pay .....	16 00
Jos. Johnson, Watchman, pay .....	16 00
C. W. Collins, Night Watchman, pay .....	16 00

W. W. KELLOGG, Chairman.  
G. H. PERRY.  
P. H. RYAN.

Mr. Kellogg moved to suspend the rules to amend Rule Six of the Standing Rules of the twenty-fourth session of the Senate to read as follows:

#### INTRODUCTION AND READING OF BILLS.

Any Senator desiring to introduce a bill shall rise in his place and address the President, and upon being recognized shall present the same, and the title shall be announced from the Secretary's desk, when it shall be referred to a standing committee, and be printed, and a copy be



placed on each Senator's desk. Every bill shall be read on three several days previous to its passage, unless in case of urgency two thirds of the Senate shall, by vote of yeas and nays, dispense with this provision, and the last reading, whether it be the first, second, or third, and no bill shall be read at either reading until the Senate has so determined by a vote.

#### INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees, as follows:

By Mr. Taylor: Senate Bill No. 1—An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one of the Penal Code.

Referred to Judiciary Committee.

By Mr. Cox: Senate Bill No. 2—An Act to prevent the spreading of fruit and fruit tree pests, and to provide for their extirpation.

Referred to Committee on Agriculture.

Also, Senate Bill No. 3—An Act to establish a State Board of Horticulture and appropriate moneys for the expenses thereof.

Referred to Committee on Agriculture.

By Mr. McClure: Senate Bill No. 4—An Act to repeal sections six hundred and thirty-three and six hundred and thirty-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

Referred to Judiciary Committee.

Also, Senate Bill No. 5—An Act to repeal section one thousand three hundred and fifty-two and section one thousand three hundred and seventy of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

Referred to Judiciary Committee.

Also, Senate Bill No. 6—An Act to amend section one thousand three hundred and thirteen of an Act entitled "An Act to establish a Civil Code," approved March 31, 1872.

Referred to Judiciary Committee.

Also, Senate Bill No. 7—An Act to amend section six hundred and forty-seven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to bill of exceptions.

Referred to Judiciary Committee.

Also, Senate Bill No. 8—An Act to amend section six hundred and sixty-five of "An Act to establish a Code of Civil Procedure," approved March 11, 1872, in relation to cases reserved for argument or further consideration.

Referred to Judiciary Committee.

Also, Senate Bill No. 9—An Act to amend the Code of Civil Procedure of the State of California by a new section thereto, relating to actions against the State.

Referred to Judiciary Committee.

Also, Senate Bill No. 10—An Act to amend the Constitution.

Referred to Judiciary Committee.

Also, Senate Bill No. 11—An Act to amend an Act entitled "An Act in relation to foreign corporations," approved April 1, 1872.

Referred to Judiciary Committee.

Also, Senate Bill No. 12—An Act to amend section three hundred and twenty-six of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to stocks and stockholders.

Referred to Judiciary Committee.

Also, Senate Bill No. 13—An Act to amend sections one thousand two hundred and two and one thousand two hundred and three of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to actions for providing instruments and correcting defective certificates of acknowledgment.

Referred to Judiciary Committee.

Also, Senate Bill No. 14—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to assignments for the benefit of creditors.

Referred to Judiciary Committee.

Also, Senate Bill No. 15—An Act to amend section three hundred and twenty-five of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the time of commencing action for real property.

Referred to Judiciary Committee.

Also, Senate Bill No. 16—An Act to amend section two thousand two hundred and eighty-two of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the manner in which a Trustee may be discharged from his trust.

Referred to Judiciary Committee.

Also, Senate Bill No. 17—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known as section one thousand four hundred and eight, relative to reducing the bonds of executors and administrators in case of certain deposits being made, and also relative to the custody and control of such deposits and the liability of depositors.

Referred to Judiciary Committee.

Also, Senate Bill No. 18—An Act to incorporate religious societies.

Referred to Judiciary Committee.

Also, Senate Bill No. 19—An Act to regulate fees of Clerks of Superior Courts in the State of California.

Referred to Judiciary Committee.

Also, Senate Bill No. 20—An Act relating to the appointment of receivers of corporations.

Referred to Judiciary Committee.

Also, Senate Bill No. 21—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto to be known as section three hundred and nine a, relating to suits by stockholders of corporations.

Referred to Judiciary Committee.

Also, Senate Bill No. 22—An Act to amend section six hundred and eighty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to property claimed by a third party, which has been levied on under execution.

Referred to Judiciary Committee.

Also, Senate Bill No. 23—An Act to amend sections one thousand six hundred and eight and one thousand and seventy-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, providing when and by what Courts the writ of certiorari may be granted and what matters may be reviewed under such writ.

Referred to Judiciary Committee.

Also, Senate Bill No. 24—An Act in relation to the proof of the incorporation of foreign corporations.

Referred to Judiciary Committee.

Also, Senate Bill No. 25—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section four hundred and forty-four, making non-compliance with the requirements of section two of article thirteen of the Constitution a felony.

Referred to Judiciary Committee.

Also, Senate Bill No. 26—An Act to amend section one hundred and sixty of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, in relation to authorizing Judges of the Superior Courts to hold Courts in any county when requested by the Governor.

Referred to Judiciary Committee.

Also, Senate Bill No. 27—An Act to amend section seven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, in relation to authorizing Judges of the Superior Courts to hold Courts in any county when requested by the Judge thereof or the Governor.

Referred to Judiciary Committee.

Also, Senate Bill No. 28—An Act to amend section number three hundred and twenty-four of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to corporations.

Referred to Judiciary Committee.

Also, Senate Bill No. 29—An Act to amend section one thousand four hundred and five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to succession.

Referred to Judiciary Committee.

Also, Senate Bill No. 30—An Act to amend section one thousand three hundred and twenty-two of an Act entitled "An Act to establish a Penal Code of the State of California," approved February 14, 1872, to determine when husband and wife may testify against each other in criminal cases.

Referred to Judiciary Committee.

Also, Senate Bill No. 31—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to authorization of marriage.

Referred to Judiciary Committee.

Also, Senate Bill No. 32—An Act to amend section one thousand and forty-two of an Act entitled "An Act to establish a Penal Code of the State of California," approved February 14, 1872, relating to trials by jury.

Referred to Judiciary Committee.

Also, Senate Bill No. 33—An Act to enable the Boards of Supervisors, Board and Boards of Aldermen, and certain other legislative bodies of any city and county, or city, to provide for the improvement of streets, lanes, alleys, places, courts, sewers, or sidewalks of such city and county, or city, in accordance with the provisions of section nineteen of article eleven of the Constitution.

Referred to Judiciary Committee.

Also, Senate Bill No. 34—An Act to amend section sixty of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to void and illegal marriages.

Referred to Judiciary Committee.



Also, Senate Bill No. 35—An Act to amend sections three hundred and twelve and three hundred and fifteen of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to corporations.

Referred to Judiciary Committee.

Also, Senate Bill No. 36—An Act to amend section two hundred and forty-three of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the punishment of battery, and to battery on a wife.

Referred to Judiciary Committee.

By Mr. Perry: Senate Bill No. 37—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding thereto section fifteen hundred and six, giving notice of hearing writ of habeas corpus.

Referred to Judiciary Committee.

Also, Senate Bill No. 38—An Act to authorize the Treasurer of the State to pay out certain money paid into the State treasury under an Act entitled "An Act to promote drainage," approved April 23, 1880.

Referred to Judiciary Committee.

Also, Senate Bill No. 39—An Act to amend section one thousand two hundred and seventy-four of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the approval of bail bonds.

Referred to Judiciary Committee.

Also, Senate Bill No. 40—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872.

Referred to Judiciary Committee.

Also, Senate Bill No. 41—An Act to amend an Act entitled "An Act to define, regulate, and govern the State Prisons of California."

Referred to Committee on Prisons.

Also, Senate Bill No. 42—An Act to regulate the sale of oleomargarine and to cause the same to be easily distinguished.

Referred to Committee on Agriculture.

Also, Senate Bill No. 43—An Act to amend an Act entitled "An Act to establish the Penal Code," approved February 14, 1872, relative to the punishment of the crime of assault with a deadly weapon with intent to produce great bodily injury.

Referred to Judiciary Committee.

By Mr. Ryan: Senate Bill No. 44—An Act to establish a uniform system of county government, and for that purpose to repeal title two, part four, of the Political Code, and substitute a new title two of said part four therefor.

Referred to Committee on County Government.

By Mr. Vrooman: Senate Bill No. 45—An Act granting relief to taxpayers whose lands have been sold to the State.

Referred to Judiciary Committee.

Also, Senate Bill No. 46—An Act to amend sections one hundred and four, one hundred and five, and one hundred and six of the Code of Civil Procedure, relating to Justices of the Peace and to Justices' Courts.

Referred to Judiciary Committee.

Also, Senate Bill No. 47—An Act to provide for inclosing and improving the grounds of the Deaf and Dumb and Blind Asylum.

Referred to Committee on Public Buildings.

Also, Senate Bill No. 48—An Act to amend section three hundred and fifty-nine of the Civil Code, in relation to corporations.

Referred to Judiciary Committee.

Also, Senate Bill No. 49—An Act to provide an industrial department for the Deaf and Dumb and Blind Asylum.

Referred to Committee on Education.

Also, Senate Bill No. 50—An Act to provide for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities.

Referred to Committee on City and Town Governments.

By Mr. Langford: Senate Bill No. 51—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two; and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways.

Referred to Committee on Roads and Highways.

By Mr. Foster: Senate Bill No. 52—An Act making appropriation for a deficiency in the appropriation for transportation of prisoners for the thirty-second fiscal year.

Referred to Finance Committee.

Also, Senate Bill No. 53—An Act making appropriations for a deficiency in the appropriation for transportation of insane for the thirty-second fiscal year.

Referred to Finance Committee.

Also, Senate Bill No. 54—An Act making appropriation for a deficiency in the appropriation for transportation of prisoners for the thirty-third fiscal year.

Referred to Finance Committee.

Also, Senate Bill No. 55—An Act making appropriation for a deficiency in the appropriation for transportation of insane for the thirty-third fiscal year.

Referred to Finance Committee.

By Mr. English: Senate Bill No. 56—An Act to provide for the payment of water supplied to the State Prison at San Quentin by the Marin County Water Company prior to the thirty-second fiscal year.

Referred to Committee on Prisons.

Also, Senate Bill No. 57—An Act to amend sections three thousand four hundred and ninety-five and three thousand five hundred of the Political Code, relating to public lands of the State.

Referred to Committee on Public Lands.

Also, Senate Bill No. 58—An Act entitled "An Act for the protection of the dairy industry of this State and the consumers of dairy productions."

Referred to Committee on Agriculture.

By Mr. Kellogg: Senate Bill No. 59—An Act to provide rules for working mines, involving easements, drainage, and other necessary means to their complete development.

Referred to Committee on Mines and Mining.

By Mr. Ryan: Senate Bill No. 60—An Act to divide this State into Senatorial and Assembly Districts.

Referred to Committee on Apportionment.

Also, Senate Bill No. 61—An Act to divide this State into Congressional Districts.

Referred to Committee on Apportionment.

## RESOLUTIONS.

Mr. Langford introduced the following resolution:

*Resolved*, That a committee of five (5) Senators be appointed by the President, whose duty it shall be to draft rules for the government of this body.

Adopted.

The President appointed as such committee, Senators Langford, McCarthy, Cross, Nelson, and McClure.

Mr. Spencer of Napa introduced the following: Senate Concurrent Resolution No. 4—Relative to requesting Congress to make an appropriation for the improvement of the navigable portion of Napa River, from the head of navigation at Napa City to Mare Island.

## SENATE CONCURRENT RESOLUTION.

WHEREAS, A large and growing commerce now exists between Napa City and adjacent country, including the principal mining, agricultural, and commercial interests of Lake County and San Francisco, the commercial center of this State; and whereas, the said interests are dependent upon the navigation of Napa River to secure cheap, safe, and regular transportation of all kinds of mineral, vinicultural, and agricultural products of said sections, and of all kinds of merchandise between the said City of San Francisco and said country, and as a means of securing competition in the rates of freight with the great railroad system of California; and whereas, the navigation of said river between the head of navigation thereof at Napa City, in Napa County, and Mare Island, in Solano County, is now dangerous, irregular, and uncertain, because of snags, bars of sediment, and other obstructions existing therein;

*Resolved by the Senate, the Assembly concurring*, That the Senators and Representatives of the State of California in the Congress of the United States be and they are hereby requested to use all honorable means to procure an appropriation from the Congress of the United States of the sum of twenty thousand (\$20,000) dollars, to be expended in the proper dredging and removing of sediment, snags, and other obstructions from the said Napa River, and for straightening the channel of said river and making the same safe and susceptible of easy navigation from a point in said river opposite the Vernon Mills at Napa City to Mare Island, opposite Vallejo in Solano County.

*Resolved*, That his Excellency the Governor of California be and he is hereby requested to forward a copy of these resolutions to each of the Senators and Representatives in Congress from this State.

Adopted.

Senator Fraser asked indefinite leave of absence for Senator Filcher.  
Granted.

## RECESS.

At eleven o'clock and thirty minutes, Mr. Johnson moved that the Senate take a recess until one o'clock and thirty minutes P. M.

Carried.

## REASSEMBLED.

The Senate reassembled at one o'clock and thirty minutes P. M.

President Daggett in the chair.

The roll was called and the following Senators responded to their names:

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Foster, Fraser, Johnson, Keating, Kelly of San Francisco, Kellogg, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

## RESOLUTIONS.

Mr. Spencer of Napa offered the following resolution:

*Resolved*, That the President of the Senate be and is hereby empowered to appoint two Pages for the Senate in addition to the three provided by statute, one for the desk and one for the Sergeant-at-Arms of the Senate.

Adopted.

## INTRODUCTION OF BILLS.

By Mr. English: Senate Bill No. 62—An Act to pay claim of James Saultry.

Read by title, and referred to Committee on Expenses.

The Lieutenant-Governor announced the following appointments: Pages for the Chair, Willie Ustick and James W. Coffroth. Pages for the Sergeant-at-Arms, Andrew J. Clunie, J. W. Toomey, James Cronin.

Senator McClure requested leave of absence for two days.

Granted.

At one o'clock and forty-five minutes P. M., on motion of Mr. McCarthy, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
FRIDAY, January 12, 1883. }

The Senate met pursuant to adjournment.

President Daggett in the chair.

The roll was called and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lyneh, Maddox, McCarthy, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of yesterday partially read.

On motion of Mr. Dudley, further reading of the Journal was dispensed with and the same approved.

Senator Sullivan was granted leave of absence for one day.

## REPORT OF SPECIAL COMMITTEES.

Committee on Rules made report as follows:

MR. PRESIDENT: Your committee to whom was referred the compilation of Standing Rules of the Senate beg leave to make the following report:



## STANDING RULES OF THE SENATE.

## I.—OPENING OF THE DAILY SESSIONS.

The time of meeting of the Senate shall be ten o'clock A. M. (Sundays excepted), and in case any other is named, it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting, and a recess shall be taken from twelve o'clock and thirty minutes to two o'clock P. M.; *provided*, that on Mondays the time of meeting shall be one o'clock and thirty minutes P. M.

## II.—CALLING TO ORDER—READING JOURNAL.

The President shall call the Senate to order at the stated hour, and, if a quorum be present he shall order read the Journal of the proceedings of the preceding day.

## III.—ELECTION OF PRESIDENT PRO TEM.—HIS POWERS AND PRIVILEGES.

The President pro tem. shall, in the absence of the President, take the chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate. When the Senate is equally divided, the Secretary shall take the decision of the President.

## IV.—ATTENDANCE, DUTIES, AND OBLIGATIONS OF SENATORS.

No Senator shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate are hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent Senators, as the majority of such Senators present shall agree, at the expense of such absent Senators respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President or acting President of the Senate, or of less than a quorum thereof, shall have the power to issue process, directed to the Sergeant-at-Arms, or any other person, to compel the attendance of Senators absent without leave. Any Senator who shall refuse to obey such process, unless sick and unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent Senator, and for this purpose he may command the force of the county or of any county in the State.

## V.—ORDER OF BUSINESS.

After the reading and approving of the Journal, the order of business shall be as follows:

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Messages from the Assembly.
6. Introduction of Bills.
7. First Reading of Bills.
8. Second Reading of Bills.
9. Motions, Resolutions, and Notices.
10. Business on the General File, and Third Reading of Bills.
11. Unfinished Business of the preceding day.
12. Special Orders of the day.
13. Reports from the Committees on Enrollment and on Engrossment shall at all times be in order.

*Provided*, that messages from the Governor, State officers, and from the Assembly, may, on motion of any Senator, be considered at any time.

## VI.—INTRODUCTION AND READING OF BILLS.

Any Senator desiring to introduce a bill, shall rise in his place, and address the President, and upon being recognized, shall present the same, and the title shall be announced from the Secretary's desk, when it shall be referred to a standing committee, and be printed, and a copy be placed on each member's desk. Every bill shall be read on three several days previous to its passage, unless in case of urgency, two thirds of the Senate shall by vote of yeas and nays dispense with this provision, and the last reading shall be at length. The President shall give notice at each reading whether it be the first, second, or third, and no bill shall be read at either reading until the Senate has so determined by a vote.

## VII.—THE GENERAL FILE; ITS HOURS—SPECIAL ORDER OF BILLS ON FILE.

The General File shall be the special order for each day from two o'clock until three o'clock and thirty minutes P. M., unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration; and this order shall take precedence of all others.

## VIII.—SECRETARY TO POST GENERAL FILE DAILY.

The Secretary shall post each morning, in a conspicuous place, and place upon the desk of each Senator, a list of all bills upon the General File, giving their order, and also setting forth their number, and so much of their title as necessary to enable the Senators to understand their general purport.

## IX.—BILLS ENGROSSED TO BE EXAMINED AND REPORTED.

All bills, amendments, and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossed Bills, the engrossed copy to be transmitted to the Assembly, with the proper indorsements, and the original retained by the Senate.

## X.—ENGROSSED BILLS HAVE PREFERENCE.

All bills, after the second reading (if the same be not committed, but if committed, then upon being reported), shall be placed upon a General File, and shall be taken up for consideration and passage in the order of their being placed on the file; *provided*, that engrossed bills shall take precedence of bills not engrossed.

## XI.—AMENDMENTS AND SUBSTITUTES.

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment, and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

## XII.—AMENDMENTS AND SUBSTITUTES MUST BE GERMANE.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

## XIII.—LEAST SUM AND SHORTEST TIME IN FILLING BLANKS.

In filling up blanks, the least sum or number and the shortest time shall be put first.

## XIV.—SHORT OF FINAL QUESTION, TWO-THIRDS VOTE NOT REQUISITE ON PROPOSITIONS TO AMEND CONSTITUTION.

When an amendment to the Constitution, or any bill, requiring the concurrence of two thirds of the Senators, is under consideration, the concurrence of two thirds shall not be required to decide any question for amendment, or extending to the merits, being short of the final question.

## XV.—APPOINTMENT AND ORDER OF STANDING COMMITTEES.

The following Standing Committees shall be appointed:

1. Committee on Agriculture, to consist of nine members.
2. Committee on Claims, to consist of seven members.
3. Committee on Commerce and Navigation, to consist of five members.
4. Committee on Contingent Expenses and Mileage, to consist of five members.
5. Committee on Corporations, to consist of nine members.
6. Committee on Counties, County Governments, and Township Organization, to consist of seven members.
7. Committee on Education, to consist of seven members.
8. Committee on Engrossed Bills, to consist of six members.
9. Committee on Enrolled Bills, to consist of six members.
10. Committee on Federal Relations, to consist of five members.
11. Committee on Finance, to consist of seven members.
12. Committee on Hospitals, to consist of five members.
13. Committee on Judiciary, to consist of fourteen members.
14. Committee on Military Affairs, to consist of seven members.
15. Committee on Mines, to consist of seven members.
16. Committee on Public Buildings, other than Prison Buildings, to consist of seven members.
17. Committee on Public and Swamp and Overflowed Lands, to consist of five members.
18. Committee on Public Morals, to consist of three members.

19. Committee on Public Printing, to consist of three members.
20. Committee on Roads and Highways, to consist of seven members.
21. Committee on State Library, to consist of three members.
22. Committee on State Prison and Prison Buildings, to consist of nine members.
23. Committee on Irrigation, Water Rights, Drainage, and Mining Debris, to consist of nine members.
24. Committee on Fish and Game, to consist of five members.
25. Committee on Elections, to consist of seven members.
26. Committee on City, City and County, and Town Governments, to consist of seven members.
27. Committee on Labor and Capital, to consist of five members.
28. Committee on Chinese and Chinese Immigration, to consist of seven members.
29. Committee on Apportionment and Representation, to consist of nine members.

XVI.—COMMITTEES APPOINTED BY PRESIDENT, UNLESS OTHERWISE ORDERED.

All committees of the Senate, Special and Standing, and all Joint Committees on the part thereof, shall be appointed by the President, unless otherwise specially ordered.

XVII.—COMMITTEE TO OBTAIN CONSENT OF SENATE FOR OFFICERS.

No committee, Standing or Special, shall elect a Clerk or Sergeant-at-Arms without first obtaining the consent of the Senate.

XVIII.—ORDER OF QUESTIONS ON MOTION TO REFER.

When a resolution shall be offered or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

XIX.—CLAIMS ON CONTINGENT FUND MUST GO TO THE COMMITTEE ON CONTINGENT EXPENSES.

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses. This rule has no application to the election of attachés of the Senate.

XX.—ORDER OF PRIVILEGED QUESTIONS UNDER DEBATE.

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order:

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

XXI.—MOTION NOT TO BE DEBATED UNTIL SECONDED AND ANNOUNCED.

No motion shall be debated until the same be seconded and distinctly announced by the President; and it shall be reduced to writing, if desired by the President or any Senator, and read by the Secretary before the same shall be debated. A motion may be withdrawn at any time before amendment.

XXII.—READING OF A PAPER, IF OBJECTED TO, DETERMINED WITHOUT DEBATE.

When the reading of a paper is called for (except petitions), and the same is objected to by any Senator, it shall be determined by a vote of the Senate, without debate. But this rule is not applicable to any bill, resolution, amendment, or other proposition which may be at the time directly under consideration.

XXIII.—SENATORS MUST ADDRESS THE PRESIDENT.

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down. No Senator shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of another who has not spoken.

## XXIV.—THE SENATOR ENTITLED TO FLOOR.

When two or more Senators rise at once, the President shall name the Senator who is to speak first.

## XXV.—SENATOR, WHEN CALLED TO ORDER, MUST SIT DOWN.

When a Senator shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any Senator. If the Senator be called to order for words spoken, the exceptional language shall immediately be taken down in writing.

## XXVI.—FINAL QUESTION ON SECOND READING OF BILLS—NO AMENDMENT ON THIRD READING, BUT MAY COMMIT.

The final question upon the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall the bill be engrossed and read a third time?" And no amendment shall be received for discussion at the third reading of any bill, but it shall at all times be in order, before the final passage of such bill, to move its commitment under special instructions.

## XXVII.—FORM OF PREVIOUS QUESTION—CALL OF SENATE.

The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the Senators present upon division, and its effect shall be to put an end to all debate and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after a majority of Senators shall have seconded such motion, no call shall be in order prior to the decision of the main question. If the previous question is negative, the Senate shall proceed in the same manner as if the motion had not been made.

## XXVIII.—UNDER ACTION UPON PREVIOUS QUESTION, NO DEBATE.

On a motion for the previous question, and under the previous question, there shall be no debate. And all incidental questions of order, arising after a motion is made for the previous question (or while acting under the previous question), shall be decided, whether on appeal or otherwise, without debate.

## XXIX.—AYES AND NOES—MEMBERS MUST ANSWER—NO VOTE AFTER ANNOUNCEMENT OF VOTE.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put, shall declare openly, and without debate, his assent or dissent to the question. In taking the ayes and noes, and upon the call of the Senate, the names of the Senators shall be taken alphabetically. When the ayes and noes shall be taken upon any question in pursuance of this rule, no Senator shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

## XXX.—SENATOR OUTSIDE OF BAR NOT ENTITLED TO VOTE.

Whenever any Senator is absent without the bar of the Senate when his name is called on the call of ayes and noes on any vote about to be taken, his vote shall not be received unless unanimously agreed to by the Senators present; nor shall a Senator be counted, on a division of a vote, who is absent without the bar of the Senate without leave.

## XXXI.—NOTICE OF RECONSIDERATION.

On the day succeeding that on which a final vote on any bill or resolution has been taken, said vote may be reconsidered on the motion of any Senator; *provided*, notice of intention to move such reconsideration shall have been given on the day on which such final vote was taken by a Senator voting with the majority; and it shall not be in order for any Senator to move a reconsideration on the day on which such final vote was taken. Said motion of reconsideration shall have precedence over every other motion, except a motion to adjourn. No notice of reconsideration shall be in order on the day preceding the last day of the session.

## XXXII.—SECRETARY, UPON NOTICE OF RECONSIDERATION, NOT TO REPORT BILL TO ASSEMBLY.

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired.

## XXXIII.—TITLES OF BILLS MUST BE IN JOURNAL.

The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journal.



XXXIV.—WHEN NOT IN COMMITTEE OF THE WHOLE, PROCEEDINGS MUST BE ENTERED IN JOURNAL—  
VOTES ALWAYS ENTERED.

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered on the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the Journal, and a brief statement of the contents of each petition, memorial, or paper presented to the Senate shall also be inserted in the Journal.

XXXV.—RULES IN SENATE AND COMMITTEE OF THE WHOLE.

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

XXXVI.—CASES NOT PROVIDED FOR, CUSHING TO GOVERN.

In all cases not provided for by these rules, the Senate shall be governed by the law and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

XXXVII.—SUSPENDING AND CHANGING RULES.

No standing rule or order of the Senate shall be rescinded or changed without a vote of two thirds, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two thirds of the Senators present, except that portion of Rule Six relating to the final passage of bills; all proposed amendments to these rules shall be referred to the Committee on Rules without debate.

XXXVIII.—POWERS AND PREROGATIVES OF PRESIDENT.

The rooms, passages, and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers, and bills of the Senate; he shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

XXXIX.—PRESIDENT MAY ORDER LOBBIES CLEARED.

In case of a disturbance, or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole Senate) shall have power to order the same to be cleared.

XL.—PRESIDENT MAY CALL SENATORS TO THE CHAIR.

The President shall have the right to name any Senator to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

XLI.—SERGEANT-AT-ARMS.

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and releasement, and for traveling expenses for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of Senators, to prepare checks, and, if required so to do, draw the money on such checks for the Senators (the same being previously signed by the President, and indorsed by the Senator or person to whom the check is made), and pay over the same to the Senator or person entitled thereto.

XLII.—MESSENGERS—WHEN INTRODUCED.

Messengers are introduced in any state of business, except while a question is being put, while the ayes and noes are being called, or while the ballots are being counted.

XLIII.—DOORKEEPER.

It shall be the duty of the Doorkeeper to prohibit all persons except Senators, members of the Assembly, State officers, officers of the two Houses, and such reporters as have seats assigned them by the President, from coming within the bar of the Senate, unless invited by the President or a Senator, and to arrest for contempt all persons outside the bar, or in the gallery, found engaged in loud conversation, or otherwise making a noise, to the disturbance of the Senate.

## XLIV.—EXECUTIVE NOMINATIONS.

When nominations shall be sent by the Governor to the Senate for their confirmation, the same shall be, unless the Senate shall by a majority vote otherwise direct, acted upon at once.

## XLV.—PAINTING.

Three hundred and sixty copies of all bills shall be printed; and the Sergeant-at-Arms shall be required to certify to the reception by the Senate of all printed matter, and the quantity, before payment shall be made or bills audited therefor. Two copies of each bill or paper printed by order of the Senate shall be delivered to each Senator, and six copies to the committee to whom such bill is referred, and the balance shall be distributed according to law.

## XLVI.—NUMBER OF COPIES TO BE PRINTED.

Three hundred and sixty copies shall be printed of each document or other matter ordered, unless the Senate specially direct a different number.

## XLVII.—SECRET SESSION.

On a motion, made and seconded, to close the doors of the Senate on the discussion of any business which may in the opinion of the Senate require secrecy, the President shall require all persons except the members, Secretaries, Sergeant-at-Arms, and Doorkeeper of the Senate, to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things, whereof secrecy shall be enjoined by order of the Senate.

## XLVIII.—ORDER OF ENGROSSING AND ENROLLING BILLS.

All bills ordered engrossed shall be delivered to the Engrossing Clerk by the Secretary of the Senate, and the receipt, in writing, of the Engrossing Clerk taken therefor; and all said bills shall be engrossed in the order of their receipt, by said Engrossing Clerk; and all Senate bills shall, after their final passage by and receipt from the Assembly, be delivered to the Enrolling Clerk by the Secretary of the Senate in the order of their receipt from the Assembly, and the receipt, in writing, of said Enrolling Clerk taken therefor; and said bills shall be enrolled by the Enrolling Clerk in the order of their receipt from the Secretary of the Senate.

## LXIX.—PAINTING THE DAILY JOURNALS.

The Superintendent of State Printing shall print a sufficient number of copies of the Journal of every day's proceedings of the Senate, to supply Senators, daily, during the session, with the Journal of the previous day's proceedings; and, also, a sufficient number of copies, with proper repaging, to bind at the end of the session of the Legislature, in book form, as the Journal of the Senate required by law.

## L.—AUTHOR TO SPEAK LAST.

The author of a bill, motion, or resolution, shall have the privilege of closing the debate, unless the previous question has been sustained.

## LI.

All committees of the Senate shall report their action on all bills or matters referred to them within five days after reference, unless otherwise specially ordered.

LANGFORD, Chairman.

## MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, January 11, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day, January eleventh, eighteen hundred and eighty-three, passed Senate Concurrent Resolution No. 4, relative to requesting Congress to make an appropriation for the improvement of the navigable portion of Napa River, from the head of navigation at Napa City to Mare Island.

M. C. HALEY, Chief Clerk.

## RULES.

Mr. Del Valle moved that the report of the Committee on Rules be read and considered seriatim.

Carried.

Rule Number One read.

Mr. Del Valle moved to strike out the last section, providing for making the hour of meeting one hour and thirty minutes P. M. on Mondays.

Seconded by Mr. Lynch.

Lost.

Rules Two to Twenty-six inclusive were read and adopted.

Rule Number Twenty-seven read.

Mr. Kellogg moved that Senate Rule Number Twenty-seven of the twenty-fourth session be substituted for the same.

Roll-call demanded by Senators Kellogg, Taylor, and Reddy.

Roll called.

Before the vote was announced, Mr. Dudley requested to have his vote changed from aye to no.

Granted.

The result was then announced as follows:

AYES—Messrs. Chandler, Cox, Cronan, Del Valle, English, Foster, Fraser, Harrigan, Kelley of Solano, Kellogg, Maddox, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, and Taylor—17.

NOES—Messrs. Baldwin, Cross, Dougherty, Dudley, Johnson, Keating, Kelly of San Francisco, Knight, Langford, Lynch, McCarthy, Perry, Routier, Steele, Vrooman, Wallace, Whitney, and Wolfskill—18.

Lost.

Mr. Spence of Stanislaus moved to strike out Rule Twenty-seven as reported by the committee.

Roll-call demanded by Senators Spence, Kellogg, and Taylor.

Roll called with the following result, Mr. Murphy being excused from voting:

AYES—Messrs. Cox, Cronan, Del Valle, Dougherty, English, Foster, Harrigan, Johnson, Keating, Kelley of Solano, Kellogg, Lynch, Maddox, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, and Wolfskill—20.

NOES—Messrs. Baldwin, Chandler, Cross, Dudley, Fraser, Kelly of San Francisco, Knight, Langford, McCarthy, Perry, Routier, Steele, Vrooman, Wallis, and Whitney—15.

Adopted.

Mr. Lynch moved to reconsider the vote by which Rule Twenty-seven was stricken from the list.

Carried.

Mr. Langford moved to reconsider the vote by which Rule Twenty-seven of the twenty-fourth session of the Senate was rejected.

Carried.

Mr. Cross moved to amend Rule Twenty-seven by striking out the words "a majority" in the second line, and inserting the words "two thirds."

Lost.

Mr. Perry moved to adopt Rule Twenty-seven of the twenty-fourth session as Rule Twenty-seven of the present session.

Roll-call demanded by Senators Perry, Routier, and Vrooman.

The roll was called with the following result:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Del Valle, Dougherty, English, Foster, Harrigan, Johnson, Keating, Kelley of Solano, Kellogg, Langford, Lynch, Maddox, Murphy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Taylor, and Wolfskill—24.

NOES—Messrs. Cross, Dudley, Fraser, Kelly of San Francisco, Knight, McCarthy, Perry, Routier, Spencer of Stanislaus, Steele, Vrooman, Wallis, and Whitney—13.

Adopted.

Mr. Vrooman moved to strike out the word "present" in the third line.

Lost.

Rule Twenty-seven as amended, adopted by unanimous consent.

Mr. Langford moved that Rule Twenty-eight of the Twenty-fourth session should be incorporated in the report of the Committee as Rule Twenty-eight, and the succeeding rules be renumbered to correspond with the change.

Carried.

The succeeding rules from twenty-eight to fifty-one inclusive read and agreed to.

Mr. Baldwin moved that the report of the Committee on Rules as amended be adopted.

Carried.

#### MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, January 12, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed Assembly Concurrent Resolution No. 2, relative to printing the inaugural address of his Excellency Governor George Stoneman.

M. C. HALEY, Chief Clerk.

#### RESOLUTION.

By Mr. Campbell of Sonoma: Assembly Concurrent Resolution relative to printing the inaugural address of his Excellency Governor George Stoneman:

*Resolved by the Assembly, the Senate concurring,* That five thousand copies of the inaugural address of his Excellency Governor George Stoneman be printed—one thousand for the Governor, two thousand for the Senate, and two thousand for the Assembly.

Adopted.

#### INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Keating: Senate Bill No. 63—An Act to authorize the Board of State Harbor Commissioners to adjust and pay the claim of John S. Wilkins.

Referred to Committee on Claims.

By Mr. Del Valle: Senate Bill No. 64—An Act to divide the State into Senatorial Districts, and provide for the election of Senators therein.

Referred to Committee on Apportionment.

Also, Senate Bill No. 65—An Act to divide the State into Assembly Districts, and provide for the election of Assemblymen therein.

Referred to Committee on Apportionment.

Also, Senate Bill No. 66—An Act to divide the State of California into Congressional Districts.

Referred to Committee on Apportionment.

Also, Senate Bill No. 67—An Act authorizing the transfer of the cabinet of minerals in the State Library to the State Mining Bureau.

Referred to Committee on Mines and Mining.

Also, Senate Bill No. 68—An Act to promote and encourage the development of the mineral resources of the State of California, and for the support of the Mining Bureau.

Referred to the Committee on Mines and Mining.



By Mr. Nelson: Senate Bill No. 69—An Act entitled "An Act to regulate the practice of medicine and surgery in the State of California."

Referred to Judiciary Committee.

By Mr. Johnson: Senate Bill No. 70—An Act to amend section one thousand three hundred and three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to fixing days for hearing petitions for probate of wills, and relative to giving notice of such hearing.

Referred to Judiciary Committee.

By Mr. Ryan: Senate Bill No. 71—An Act to repeal chapter two of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two of title six, of part three of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways.

Referred to Committee on Roads and Highways.

By Mr. Whitney: Senate Bill No. 72—An Act to provide for the custody of insane criminals and persons charged with crime.

Referred to Committee on Public Buildings.

Also, Senate Bill No. 73—An Act to amend the Penal Code and to add a new section thereto relating to gambling.

Referred to Judiciary Committee.

#### RESOLUTION.

Mr. Spencer of Stanislaus asked leave to introduce the following resolution, which was granted:

WHEREAS, The State Printer is now authorized by law to print but two hundred and forty copies of each bill introduced;

*Resolved*, That the State Printer be instructed to have printed three hundred and sixty copies of each bill introduced in the Senate.

Adopted.

The hour for recess having arrived, the Senate thereupon took a recess until two o'clock P. M.

#### REASSEMBLED.

Senate reassembled and was called to order at two o'clock and ten minutes P. M., by Hon. R. F. Del Valle, President pro tem.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Cronan, Del Valle, Dougherty, Dudley, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

#### RESOLUTIONS.

*Resolved*, That the use of this Senate Chamber be granted to the executive committee on the inaugural ball from twelve o'clock M. on Tuesday until Wednesday morning at ten o'clock.

Adopted.

By Mr. Ryan :

*Resolved*, That the Sergeant-at-Arms be authorized to receive from the Controller the warrants due the officers and members of the Senate, and to receipt therefor.

Adopted.

By Mr. Ryan :

*Resolved*, That each Senator be allowed the sum of twenty-five dollars for contingent expenses, payable out of the Contingent Fund of the Senate.

Referred to Committee on Contingent Expenses.

By Mr. Keating :

*Resolved*, That Henry Helm be and he is hereby appointed Day Watchman of the Senate, at a per diem to be hereafter fixed, payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

By Mr. Keating :

*Resolved*, That C. McGuire be and he is hereby appointed Rear Porter of the Senate at a per diem to be hereafter fixed, payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

By Mr. Cox :

*Resolved*, That the Sergeant-at-Arms of the Senate be hereby authorized to obtain ice water for the Senate, and charge the same to contingent expenses.

Adopted.

By Mr. Fraser :

*Resolved*, That the Sergeant-at-Arms of the Senate be authorized to contract for a letter box at the Post Office in this city, for the use of the Senate, the cost of such box to be paid out of the fund for contingent expenses of the Senate.

Adopted.

By Mr. Fraser :

*Resolved*, That the usual number of copies of the rules as adopted be printed.

Adopted.

#### COMMITTEES.

The President announced the appointment of the following committees :

*Judiciary Committee*—Messrs. Cross, Chairman ; Taylor, Spencer of Napa, Reddy, Baldwin, Johnson, Vrooman, Kelley of Solano, Kellogg, Sullivan, McClure, Del Valle, Perry, and Whitney.

*Committee on Elections*—Messrs. Kellogg, Chairman ; Sullivan, Reddy, Spencer of Napa, English, McClure, and Vrooman.

*Contingent Expenses and Mileage*—Messrs. Maddox, Chairman ; Del Valle, Reynolds, Keating, Wallis, and Spencer of Stanislaus.

#### PORTERS.

The President announced the appointment of the following Porters : Lem. Wilson, J. Farrell, and R. Kelly.

## ADJOURNMENT.

At two o'clock and thirty minutes p. m. Senator Kellogg moved to adjourn until two o'clock p. m. on Monday, January fifteenth, eighteen hundred and eighty-three.

Carried.

## IN SENATE.

SENATE CHAMBER,  
Monday, January 15, 1883. }

The Senate met pursuant to adjournment.

Hon. R. F. Del Valle, President pro tem., in the chair.

The roll was called and the following Senators answered to their names:

Messrs. Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Maddox, McCarthy, Murphy, Nelson, Perry, Reddy, Reynolds, Rontier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of Friday partially read.

On motion of Senator McCarthy further reading of the Journal was dispensed with and the same approved.

## MESSAGES FROM THE GOVERNOR.

A message received from the Governor, transmitting the report of the State Engineer.

Ordered printed.

Also, message from the Governor, asking permission to withdraw the nomination of Brigadier-General W. H. Dimond as Commander of the Second Brigade.

Granted.

## MESSAGES FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, January 15, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January eleventh, eighteen hundred and eighty-three, passed Assembly Concurrent Resolution No. 4—Relating to joint meetings of the Assembly and Senate Committees on Roads and Highways.

Referred to Committee on Roads and Highways.

Also, on January twelfth, Concurrent Resolution No. 7—Relating to bills which take effect immediately after they are approved by the Governor.

Referred to Judiciary Committee.

Also, on January thirteenth, Concurrent Resolution No. 1—Requesting our Congressmen to aid in the passage of the Mexican veteran pension bill.



## Referred to Committee on Federal Relations.

Also, on this day passed Assembly Concurrent Resolution No. 8—Relative to appointing a Joint Committee of the Assembly and Senate, for the purpose of investigating the charges set forth in the memorial of the San Francisco Chamber of Commerce, Board of Trade, and Ship-owners' Association.

JULIUS REIMER,  
Assistant Clerk.

## Referred to Committee on Commerce and Navigation.

Mr. Sullivan presented a memorial and petition from the San Francisco Chamber of Commerce and the Board of Trade and Ship-owners' Association.

Read and referred to Committee on Commerce and Navigation.

## REPORTS OF STANDING COMMITTEES.

The Committee on Contingent Expenses and Mileage made a report of mileage due the Lieutenant-Governor and Senators.

The report was corrected as to mileage of Senator Dudley, and accepted, as follows :

SENATE CHAMBER, SACRAMENTO, January 15, 1883.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, having had under consideration the mileage of Senators and Lieutenant-Governor, beg leave to report that the following Senators and Lieutenant-Governor are entitled to mileage under the Constitution, as follows :

NAMES.	Miles.	Amount.	NAMES.	Miles.	Amount.
F. T. Baldwin.....	96	\$9 60	C. H. Maddox.....	256	\$25 60
A. L. Chandler.....	76	7 60	T. McCarthy.....	168	16 80
W. Cronin.....	168	16 80	D. McClure.....	168	16 80
C. W. Cross.....	142	14 20	B. D. Murphy.....	256	25 60
R. F. Del Valle.....	956	95 60	I. K. Nelson.....	168	16 80
J. T. Dougherty.....	168	16 80	G. H. Perry.....	168	16 80
M. Dudley.....	40	4 00	P. Reddy.....	632	63 20
W. B. English.....	200	20 00	C. D. Reynolds.....	150	15 00
J. A. Fileher.....	74	7 40	P. H. Ryan.....	624	62 40
C. F. Foster.....	270	27 00	D. Spencer.....	122	12 20
Thos. Fraser.....	122	12 20	J. D. Spencer.....	154	15 40
J. Harrigan.....	168	16 80	George Steele.....	586	58 60
G. A. Johnson.....	282	28 20	F. J. Sullivan.....	168	16 80
Ed. Keating.....	168	16 80	C. W. Taylor.....	177	17 70
M. Kelly.....	168	16 80	H. Vrooman.....	182	18 20
K. E. Kelley.....	80	8 00	H. W. Wallace.....	222	22 20
W. W. Kellogg.....	372	37 20	G. E. Whitney.....	182	18 20
Benj. Knight.....	410	41 00	Lieutenant-Governor as		
B. F. Langford.....	96	9 60	President of the Senate	57	57 00
J. Lynch.....	168	16 80	John Wolfskill.....	1140	114 00

MADDOX, Chairman.

On request of Mr. Reddy, Senator Knight was granted leave of absence until Wednesday.

On request of Mr. Whitney, Senator Vrooman was also granted leave of absence until Wednesday.

The President announced Standing Committees of the Senate, as follows :

## SENATE STANDING COMMITTEES.

On Agriculture—Messrs. Wolfskill, Cox, Langford, Spencer of Stanislaus, Taylor, Dudley, Reynolds, Foster, and Steele.

On Apportionment—Messrs. Sullivan, Johnson, Del Valle, Ryan, Fileher, McCarthy, Taylor, Whitney, and Dudley.

*On Chinese and Chinese Immigration*—Messrs. Kelly of San Francisco, Cronan, Lynch, Foster, Reynolds, Steele, and Routier.

*On City, City and County, and Township Governments*—Messrs. Johnson, Cox, Sullivan, McClure, Del Valle, Maddox, and Whitney.

*On Claims*—Messrs. Kelley of Solano, Langford, Fraser, Nelson, Kelly of San Francisco, Reddy, and Harrigan.

*On Commerce and Navigation*—Messrs. Lynch, Nelson, McCarthy, Ryan, and Whitney.

*On Corporations*—Messrs. Ryan, Knight, McCarthy, Cross, Kellogg, Keating, Vrooman, McClure, and Kelly of San Francisco.

*On County and Township Governments*—Messrs. Spencer of Napa, Baldwin, Knight, Johnson, Reddy, Fraser, and Chandler.

*On Education*—Messrs. Taylor, Murphy, Del Valle, Lynch, Harrigan, Perry, and Vrooman.

*On Engrossed Bills*—Messrs. Nelson, Cross, English, Kellogg, Dudley, and Routier.

*On Enrolled Bills*—Messrs. Harrigan, English, Wallis, Keating, Steele, and Filcher.

*On Federal Relations*—Messrs. Baldwin, Kelley of Solano, Cronan, Dougherty, and Wallis.

*On Finance*—Messrs. Murphy, Cox, English, Ryan, Kelley of Solano, Nelson, and Wallis.

*On Fish and Game*—Messrs. Foster, Kelley of Solano, English, Chandler, and Cox.

*On Hospitals and Asylums*—Messrs. Knight, Spencer of Stanislaus, Langford, Wolfskill, and Perry.

*On Irrigation, Water Rights, Drainage, and Mining Debris*—Messrs. English, Del Valle, Murphy, Spencer of Napa, Wolfskill, Whitney, Wallis, Kellogg, and Cross.

*On Labor and Capital*—Messrs. Dougherty, Murphy, Cronan, Wolfskill, and Chandler.

*On Military Affairs*—Messrs. McCarthy, Maddox, Baldwin, Foster, Perry, Keating, and Lynch.

*On Mines and Mining*—Messrs. Kellogg, Filcher, Reddy, Wolfskill, Fraser, Wallis, and Taylor.

*On Public Buildings*—Messrs. Cronan, Spencer of Napa, Keating, Dougherty, Fraser, Baldwin, and Maddox.

*On Swamp and Overflowed Lands*—Messrs. Cox, Kelley of Solano, Langford, Foster, and Vrooman.

*On Public Morals*—Messrs. Reynolds, Johnson, and Chandler.

*On Public Printing*—Messrs. Spencer of Stanislaus, Filcher, and Harrigan.

*On Roads and Highways*—Messrs. Langford, Reynolds, Knight, Steele, Taylor, Fraser, and Filcher.

*On State Library*—Messrs. Filcher, Harrigan, and Routier.

*On State Prison*—Messrs. Reddy, Foster, Spencer of Stanislaus, Dougherty, Dudley, Nelson, Kelly of San Francisco, Routier, and Perry.

#### INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Spencer of Napa: Senate Bill No. 74—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as and numbered section three thousand three hundred and forty-one (division fourth, part one, title two), relating to damages committed by dogs and other animals, to sheep, Angora goats, and Cashmere goats, and for the better protection of the same against the ravages of dogs and other animals.

Referred to Judiciary Committee.

Also, Senate Bill No. 75—An Act to repeal an Act entitled "An Act to protect sheep and lambs in this State," approved May 18, 1861.

Referred to Judiciary Committee.

Also, Senate Bill No. 76—An Act to repeal an Act entitled "An Act to protect sheep and Cashmere and Angora goats against the ravages of dogs," approved March 16, 1866.

Referred to Judiciary Committee.

Also, Senate Bill No. 77—An Act to amend sections six hundred and thirty-three and six hundred and thirty-four of the Code of Civil Procedure, relating to findings.

Referred to Judiciary Committee.

By Mr. Perry: Senate Bill No. 78—An Act to provide for the payment of jurors in criminal cases in Superior Courts.

Referred to Judiciary Committee.

By Mr. Dougherty: Senate Bill No. 79—An Act to declare when a vacancy exists in any elective or appointive office, board, or commission of any county, city, township, or municipality, and to provide for filling the same.

Referred to Committee on City and Township Governments.

By Mr. Kelly of San Francisco: Senate Bill No. 80—An Act to authorize the payment of wages due to workmen who were employed in the construction of the Branch Prison at Folsom, which labor is a benefit to the State, and for which the State has never paid.

Referred to Committee on Claims.

By Mr. Johnson: Senate Bill No. 81—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section seven hundred and fifteen, relating to security to keep the peace, undertakings therefor, and discharge from imprisonment.

Referred to Judiciary Committee.

#### RESOLUTIONS.

By Mr. Fraser: Senate Concurrent Resolution No. 5—Relating to the eastern boundary line of the State of California.

Referred to Committee on Federal Relations.

By Mr. Kelley:

*Resolved*, That the Secretary of State be requested to place on the desk of each Senator the Penal Code annotated by Robert Desty, the Political Code and Code of Civil Procedure annotated by Nathan Newmark, the Civil Code annotated by Albert Hart, and the Constitution of California annotated by Robert Desty.

Adopted.

By Mr. Taylor:

*Resolved*, That the President of the Senate appoint a Porter for the committee rooms of the Senate, at the same per diem paid the Porters on the floor, to be paid out of the fund for contingent expenses of the Senate.

Adopted.

By Mr. Kellogg:

*Resolved*, That each of the Standing Committees of the Senate be and are hereby allowed a clerk, each clerk to receive a per diem of five dollars, except the clerk of the Judiciary Committee, who shall receive eight dollars; all payable out of the appropriation for contingent expenses of the Senate. The per diem of each clerk to commence with the date named in the appointment, to be filed with the Senate by the committee.

Adopted.

By Mr. Maddox:

*Resolved*, That the Sergeant-at-Arms be empowered to employ a clerk for his office at a per diem to be hereafter fixed, payable out of the appropriation for the contingent expenses of the Senate.

Lost.

By Mr. Perry: Concurrent Resolution No. 6—Relating to the passage of Chinese through the United States.

Read and referred to the Committee on Federal Relations.

#### ADJOURNMENT.

At two o'clock and forty-five minutes p. m., on motion of Mr. Chandler, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, January 16, 1883. }

The Senate met pursuant to adjournment.

Hon. R. F. Del Valle, President pro tem., in the chair.

The roll was called and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, McCarthy, Murphy, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of yesterday partially read.

On motion of Senator Kelley, further reading of the Journal was dispensed with, and, with one correction, approved.

On request of Mr. Cox, Senator Taylor was given leave of absence for one day.

The Chair announced that he had received the papers in the contested election case in the Third District, which were referred to the Committee on Elections.

## INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Kellogg: Senate Bill No. 82—An Act to pay the salary of the Reporter of decisions of the Supreme Court, for the period elapsing from January 7 to July 1, 1880.

Referred to Judiciary Committee.

Also, Senate Bill No. 83—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new section thereto, relating to the commencement of actions upon any claim or demand before a Justice of the Peace with whom such claim or demand has been previously left for collection, or who has been consulted thereon.

Referred to Judiciary Committee.

Also, Senate Bill No. 84—An Act entitled "An Act to protect the sidewalks in unincorporated towns and villages in California."

Referred to Committee on City, City and County, and Town Governments.

Also, Senate Bill No. 85—An Act to protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence on conviction of a misdemeanor.

Referred to Judiciary Committee.

By Mr. Reddy: Senate Bill No. 86—An Act to amend an Act entitled "An Act for the protection of miners," approved March 13, 1872.

Referred to Committee on Mines and Mining.

By Mr. Whitney: Senate Bill No. 87—An Act to promote irrigation and regulate the distribution of water used therefor in the several counties of this State.

Referred to Committee on Irrigation.

Also, Senate Bill No. 88—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1879.

Referred to Committee on Corporations.

By Mr. Perry: Senate Bill No. 89—An Act to establish a State Reformatory School.

Referred to Committee on State Prisons.

#### RESOLUTION.

By Mr. Spencer of Napa:

Senate Concurrent Resolution No. 7—Instructing the State Engineer to examine at once and report a system of sewerage for the Deaf, Dumb, and Blind Asylum and the State University.

Referred to Committee on Public Buildings.

#### ADJOURNMENT.

At ten o'clock and twenty minutes A. M., on motion of Mr. Fraser, the Senate adjourned until two o'clock P. M. on Wednesday, January seventeenth, eighteen hundred and eighty-three.

#### IN SENATE.

SENATE CHAMBER,  
Wednesday, January 17, 1883. }

Senate met at two o'clock P. M., pursuant to adjournment.

Hon. R. F. Del Valle, President pro tem., in the chair.

Roll called and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of yesterday read in full (a motion of Senator McCarthy to dispense with the reading being lost) and approved.

The Chair announced that he had received the papers in the contested election case in the Nineteenth District of Buck vs. Dudley, and referred the same to the Committee on Elections.

#### PETITION.

Presented by Mr. Knight: A petition from seventy-six citizens of Santa Cruz County, praying for the passage of the oleomargarine bill indorsed by the California State Dairymen's Association.

Referred to Committee on Agriculture.



## REPORT OF STANDING COMMITTEES.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration Senate Bill No. 12—An Act to amend section three hundred and twenty-six of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to stocks and stockholders, and report the same to the Senate, and recommend its passage.

Also, Senate Bill No. 13—An Act to amend sections one thousand two hundred and two and one thousand two hundred and three of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to actions for proving instruments and correcting defective certificates of acknowledgments, and report the same to the Senate, and recommend its passage.

Also, Senate Bill No. 14—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of an Act entitled "An Act to establish a Civil Code," relating to assignments for the benefit of creditors, approved March 21, 1872, and report the same to the Senate, and recommend its passage.

Also, Senate Bill No. 16—An Act to amend section two thousand two hundred and eighty-two of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the manner in which a trustee may be discharged from his trust, and report the same to the Senate, and recommend its passage.

Also, Senate Bill No. 31—Entitled an Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to authentication of marriage, and report the same to the Senate, and recommend its passage.

C. W. CROSS, Chairman.

The above bills were read first time, and placed on file for the second reading.

SENATE CHAMBER, January 17, 1883.

MR. PRESIDENT: Your Committee on Public Buildings, to whom was referred Concurrent Resolution No. 7, have had the same under consideration, and report the same back, and recommend its passage.

CRONAN, Chairman.

Adopted.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

SACRAMENTO, January 16, 1883.

*To the Senate of the State of California:*

MR. PRESIDENT: Brigadier-General Charles Cadwalader having resigned the command of the Fifth Brigade, National Guard of California, I beg leave to withdraw the name of General Cadwalader from the list now pending for confirmation before your honorable body.

Respectfully,

GEORGE STONEMAN, Governor.

Request granted.

## SPECIAL ORDER.

Moved, by Mr. Cross, to go into executive session to consider the nominations made in the message of Governor Perkins on the ninth of January, eighteen hundred and eighty-three.

Carried.

List of appointments read and considered in their order, as follows: Appointment of N. Greene Curtis, of Sacramento, for Regent of the University of California.

Moved, by Mr. Reddy, that this nomination be referred to the Committee on Judiciary.

Moved, by Mr. Kellogg, to amend by instructing the committee to ascertain and report whether, under section one thousand four hundred and twenty-eight of the Political Code, it was proper for this nomination to be considered by the Senate.

The motion as amended was carried, and the nomination so referred.

Upon the question: "Will the Senate advise and consent to the appointment of J. T. Houghton as Trustee of the Asylum for the Deaf, Dumb, and Blind, vice Crane, resigned?"



The roll was called with the following result:

**AYES**—Messrs. Chandler, Dudley, Fraser, McClure, Perry, Routier, Steele, Vrooman, Wallis, and Whitney—10.

**NOES**—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, English, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—28.

Whereupon the Chair announced that the Senate refuses to consent to the appointment of J. F. Houghton as Trustee of the Asylum for the Deaf, Dumb, and Blind.

On motion of Mr. McCarthy, the appointment of I. W. Hellman, as Regent of the University, was referred to the Judiciary Committee, with the same instructions as in the case of N. Greene Curtis.

Upon the question: "Will the Senate advise and consent to the appointment of Chas. M. Cogan as Trustee of the State Burial Grounds, vice Hastings, term expired?"

The roll was called with the following result:

**AYES**—Messrs. Chandler, Dudley, Fraser, McClure, Perry, Routier, Steele, Vrooman, Wallis, and Whitney—10.

**NOES**—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, English, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—29.

Whereupon the Chair announced that the Senate refuses to consent to the appointment of Chas. M. Cogan as Trustee of the State Burial Grounds.

Upon the question: "Will the Senate advise and consent to the appointment of Lewellyn Tozer as Brigadier-General of the Fourth Brigade, National Guard of California, vice Sheehan, resigned?"

The roll was called with the following result:

**AYES**—Messrs. Chandler, Dudley, Fraser, McClure, Perry, Routier, Steele, Vrooman, Wallis, and Whitney—10.

**NOES**—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, English, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—29.

Whereupon the Chair announced that the Senate refuses to consent to the appointment of Lewellyn Tozer as Brigadier-General of the Fourth Brigade, National Guard of California.

Upon the question: "Will the Senate advise and consent to the appointment of C. W. C. Rowell as Brigadier-General, First Brigade, National Guard of California, vice Banning, resigned?"

The roll was called with the following result:

**AYES**—Messrs. Chandler, Dudley, Fraser, McClure, Perry, Routier, Steele, Vrooman, Wallis, and Whitney—10.

**NOES**—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, English, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—29.

Whereupon the Chair announced that the Senate refuses to consent to the appointment of C. W. C. Rowell as Brigadier-General of the First Brigade, National Guard of California.

Upon the question: "Will the Senate advise and consent to the

appointment of J. G. Wall as Brigadier-General of the Sixth Brigade, National Guard of California, vice himself, term expired?"

The roll was called with the following result:

AYES—Messrs. Chandler, Dudley, Fraser, McClure, Perry, Routier, Steele, Vrooman, Wallis, and Whitney—10.

NOES—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, English, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—29.

Whereupon the Chair announced that the Senate refuses to consent to the appointment of J. G. Wall as Brigadier-General of the Sixth Brigade, National Guard of California.

On motion of Mr. Spencer of Napa, the appointment of Leland Stanford as Regent of the University of California was referred to the Judiciary Committee, with the same instructions as in the case of N. Greene Curtis.

Upon the question: "Will the Senate advise and consent to the appointment of W. W. Traylor as Fish Commissioner, vice Redding, deceased?"

The roll was called with the following result:

AYES—Messrs. Chandler, Dudley, Fraser, McClure, Perry, Routier, Steele, Vrooman, Wallace, and Whitney—10.

NOES—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, English, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—29.

Whereupon the Chair announced that the Senate refuses to consent to the appointment of W. W. Traylor as Fish Commissioner.

Upon the question: "Will the Senate advise and consent to the nomination of Joseph D. Redding as Fish Commissioner, vice Farwell, term expired?"

The roll was called with the following result:

AYES—Messrs. Chandler, Dudley, Fraser, McClure, Perry, Routier, Steele, Vrooman, Wallis, and Whitney—10.

NOES—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, English, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—29.

Whereupon the Chair announced that the Senate refuses to consent to the appointment of Joseph D. Redding as Fish Commissioner.

Upon the question: "Will the Senate advise and consent to the nomination of Martin B. Miller, as State Prison Director, vice Clayton resigned?"

The roll was called with the following result (Senators Murphy and Sullivan being excused from voting):

AYES—Messrs. Chandler, Dudley, Fraser, McClure, Perry, Routier, Steele, Vrooman, Wallis, and Whitney—10.

NOES—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, and Wolfskill—26.

Whereupon the Chair announced that the Senate refuses to consent to the appointment of Martin B. Miller as State Prison Director.

## INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Johnson: Senate Bill No. 90—An Act to provide for the organization, incorporation, and government of municipal corporations, and providing for all classes except cities containing a population of more than one hundred thousand inhabitants.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Reynolds: Senate Bill No. 91—An Act to repeal sections one thousand five hundred and sixty, one thousand five hundred and sixty-one, one thousand five hundred and sixty-two, one thousand five hundred and sixty-three, and one thousand five hundred and sixty-four of the Political Code of the State of California, relating to and abolishing Teachers' Institutes.

Referred to Committee on Education.

By Mr. McClure: Senate Bill No. 92—An Act to regulate and improve the civil service of the State of California and of the counties and cities and counties thereof.

Referred to Committee on Counties, County Government, and Township Organization.

Also, Senate Bill No. 93—An Act to prevent the adulteration of food or drugs.

Referred to Committee on Hospitals.

Also, Senate Bill No. 94—An Act to facilitate the giving of bonds required by law.

Referred to Judiciary Committee.

Also, Senate Bill No. 95—An Act to amend section five hundred and thirty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to undertaking on attachment.

Referred to Judiciary Committee.

Also, Senate Bill No. 96—An Act to amend sections three hundred and twelve and three hundred and fifteen of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the election of Directors of Corporations.

Referred to Committee on Corporations.

Also, Senate Bill No. 97—An Act to amend section four hundred and forty-two of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the filing and service of cross-complaints.

Referred to Judiciary Committee.

Also, Senate Bill No. 98—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known as section six hundred and sixty-three, relating to proceedings for new trials.

Referred to Judiciary Committee.

Also, Senate Bill No. 99—An Act to amend section six hundred and forty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to bills of exceptions.

Referred to Judiciary Committee.

Also, Senate Bill No. 100—An Act to amend section one thousand six hundred and sixty-six of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to settlement of estates of deceased persons.

Referred to Judiciary Committee.

Also, Senate Bill No. 101—An Act to amend section sixteen of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April 16, 1880.

Referred to Judiciary Committee.

Also, Senate Bill No. 102—An Act to amend section six hundred and nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to instructions to juries.

Referred to Judiciary Committee.

Also, Senate Bill No. 103—An Act to amend sections one thousand nine hundred and eighty-nine, one thousand nine hundred and ninety-one, one thousand nine hundred and ninety-three, and one thousand nine hundred and ninety-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to witnesses.

Referred to Judiciary Committee.

Also, Senate Bill No. 104—An Act to provide for the compiling, illustrating, electrotyping, and copyrighting of a State series of school text-books.

Referred to Committee on Education.

By Mr. Lynch: Senate Bill No. 105—An Act entitled an Act to repeal section three hundred and thirty-eight of an Act to establish a Code of Civil Procedure, approved March 11, 1872, and to amend section three hundred and forty of said Act relating to the time of commencing actions other than for the recovery of real property.

Referred to Judiciary Committee.

By Mr. Vrooman: Senate Bill No. 106—An Act to amend section six hundred and thirteen of the Civil Code of the State of California, relating to cemetery corporations.

Referred to Committee on Corporations.

By Mr. Whitney: Senate Bill No. 107—An Act to appropriate money to pay the claim of W. F. Boardman, Sherman Day, and Grant I. Taggart, for services as Commissioners in the action of the People of the State of California ex rel. Jo Hamilton, Attorney-General, vs. A. P. Pfeiffer et al., in the Third District Court for Alameda County.

Referred to Committee on Claims.

By Mr. Cox (by request): Senate Bill No. 108—An Act to encourage the use of steam as a motive power on roads and highways, and granting a reward of \$50,000 to any citizen who shall construct and operate a road engine capable of moving freight at a nominal cost.

Referred to Committee on Agriculture.

By Mr. Lynch (by request): Senate Bill No. 109—An Act to appropriate moneys to pay James A. Waymire, Wm. H. Sears, and John H. Dickinson, for professional services in testing the constitutionality of the "Act to promote drainage."

Referred to Committee on Claims.

#### MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, January 17, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following resolution, requesting the return of Assembly Concurrent Resolution No. 8, to wit:



*Resolved*, The Senate is hereby requested to return to the Assembly the Concurrent Resolution providing for the appointment of a special committee of investigation into the official acts of the Pilot Commissioners.

JULIUS REIMER, Assistant Clerk.

Moved, by Mr. Ryan, to accede to the request of the Assembly.  
Carried.

#### RESOLUTIONS.

By Mr. Maddox :

*Resolved*, That the Sergeant-at-Arms of the Senate be empowered to employ a clerk for his office, at a per diem to be hereafter fixed, payable out of the appropriation for the contingent expenses of the Senate.

Adopted.

By Mr. Kelley of Solano :

*Resolved*, That the Journal Clerk of this body be and is hereby authorized to appoint an assistant, at the same per diem as is paid the Journal Clerk of the Senate.

Moved, by Mr. Ryan, to refer to Committee on Contingent Expenses.  
Lost.

On motion of Mr. Kelley of Solano, the resolution was adopted.

#### ADJOURNMENT.

At three o'clock and ten minutes, on motion of Mr. Harrigan, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Thursday, January 18, 1883. }

Senate met pursuant to adjournment.

Hon. R. F. Del Valle, President pro tem., in the chair.

Roll called and the following Senators answered to their names :

Messrs. Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, Foster, Fraser, Johnson, Kelly of San Francisco, Kelley of Solano, Knight, Langford, Lyneh, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spence of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

The printed Journal not having been distributed, on motion of Mr. Cross reading was postponed.

#### INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees :

By Mr. Taylor: Senate Bill No. 110—An Act to amend section eight hundred and fifty-three of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to the absence of State officers from the State.

Referred to Judiciary Committee.

By Mr. Lynch: Senate Bill No. 111—An Act to provide for the publication of notices, matters, and things required by law to be published.

Referred to Judiciary Committee.

By Mr. Ryan (by request): Senate Bill No. 112—An Act for the relief of James Saultry, for personal injuries received by him while in the service of the State.

Referred to Judiciary Committee.

By Mr. Sullivan: Senate Bill No. 113—An Act to amend section two thousand four hundred and sixty-eight of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to certificates of partnership and actions brought without filing certificates.

Referred to Judiciary Committee.

Also, Senate Bill No. 114—An Act to amend section thirteen hundred and eighty-eight of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the bonds of administrators.

Referred to Judiciary Committee.

#### SECOND READING OF BILLS.

Senate Bill No. 12—An Act to amend section three hundred and twenty-six of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to stocks and stockholders.

Read second time and ordered engrossed.

Senate Bill No. 13—An Act to amend sections one thousand two hundred and two and one thousand two hundred and three of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to actions for proving instruments and correcting defective certificates of acknowledgments.

Read second time and ordered engrossed.

Also, Senate Bill No. 14—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to assignments for the benefit of creditors.

Read second time and ordered engrossed.

Also, Senate Bill No. 16—An Act to amend section two thousand two hundred and eighty-two of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the manner in which a trustee may be discharged from his trust.

Read second time and ordered engrossed.

Also, Senate Bill No. 31—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to authentication of marriage.

Read second time and ordered engrossed.

#### RESOLUTIONS.

By Mr. Cross, in behalf of the Judiciary Committee:

*Resolved*, That the Committee on Judiciary be allowed an additional clerk, at a per diem to be hereafter fixed by the Senate.

C. W. CROSS, Chairman.

Adopted.



By Mr. Spencer of Napa:

*Resolved by the Senate,* That the State Printer be and is hereby authorized to print and index the testimony submitted in the contested election case of Buck against Dudley, under the direction of the Committee on Elections of the Senate.

Adopted.

#### READING OF JOURNAL.

The Journal of yesterday read in full (a motion of Mr. Kelley of Solano to dispense with the reading being lost), corrected, and approved.

#### REPORTS OF STANDING COMMITTEES.

##### Senate Bill No. 1:

Your Committee on Judiciary have had under consideration Senate Bill No. 1—Entitled "An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one of the Penal Code"—and do report the same back to the Senate, with an amendment to its title, and recommend its passage as amended by the committee.

Amendment to the title of Senate Bill No. 1, adopted by Senate Judiciary Committee, January seventeenth, eighteen hundred and eighty-three. The title of said bill shall read: "An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one of an Act entitled 'An Act to establish a Penal Code,' approved February 14, 1872, relating to Sunday amusements where liquors are sold, and keeping open places of business on Sunday."

##### Minority report on Senate Bill No. 1:

SENATE CHAMBER, January 18, 1883.

MR. PRESIDENT: The undersigned members of the Judiciary Committee beg leave to present this report, relative to Senate Bill No. 1, repealing the Sunday law, and recommend that it do not pass, for the following reasons:

That while we are in favor of granting to individuals of a community the greatest possible liberty consistent with the public good, and are also in favor of all measures carrying into effect the constitutional provisions relative to the enjoyment of life and liberty, the acquiring, possessing, and protecting of property, and the pursuing and obtaining safety and happiness, we can but regard the sections of the Code proposed to be repealed as being in the nature of necessary police regulations, the creation of which is called for by our State Constitution.

That by such police regulations but just and necessary power is placed in the hands of the authorities of the various cities, cities and counties, and towns of this State, and by their repeal vice and crime will be encouraged and the power and authority of the various executive officers weakened.

That, following the example of older and more experienced States, who found that laws of the character now proposed to be repealed were wise and beneficent, the present law was enacted, and we do not think it wise for so young a State as this to take a backward step at this time.

DAVID McCLURE,  
HENRY VROOMAN,  
GEORGE H. PERRY,  
GEORGE E. WHITNEY.

Also, Senate Bill No. 33—Entitled an Act to enable Boards of Supervisors, Board and Boards of Aldermen, and certain other legislative bodies of any city and county, or city, to provide for the improvement of streets, lanes, alleys, places, courts, sewers, or sidewalks of such city and county, or city, in accordance with the provisions of section nineteen of article eleven of the Constitution, and do report the same back to the Senate with the recommendation that it be referred to the Committee on City, City and County, and Town Governments.

Also, Senate Bill No. 5—Entitled an Act to repeal section one thousand three hundred and fifty-two and section one thousand three hundred and seventy of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872—and do report the same back to the Senate, and recommend that it do not pass.

Also, Senate Bill No. 49—An Act to provide an industrial department for the Deaf and Dumb and Blind Asylum—and do report the same back, with the recommendation that it be referred to the Committee on Education.

CROSS, Chairman.

Senate Bill No. 1, as above—Amendment in title adopted, read first time, and placed on file for second reading.

Senate Bill No. 33, as above—Report of committee adopted, and referred to Committee on City, City and County, and Town Governments.

Senate Bill No. 5, as above—Report of committee adopted, and first reading of bill denied.

Senate Bill No. 49—Report of committee adopted, and referred to Committee on Education.

#### ADJOURNMENT.

At ten o'clock and fifty-five minutes A. M., Mr. Chandler moved to adjourn.

Mr. Murphy moved an amendment to make the hour eleven o'clock A. M., on Friday, January nineteenth.

Lost.

Original motion carried.

#### IN SENATE.

SENATE CHAMBER,  
Friday, January 19, 1883. }

Senate met pursuant to adjournment.

Hon. R. F. Del Valle, President pro tem., in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of yesterday read and approved.

#### REPORTS OF COMMITTEES.

The Committee on Commerce and Navigation made report as follows:

SACRAMENTO, January 19, 1883.

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred the memorial submitted from the California Ship Owners' Association, the San Francisco Chamber of Commerce, and the Board of Trade, report that they have had the same under consideration, and that in their opinion no occasion exists for a select joint committee as requested, for the reason that the allegations made properly appertain to the duties of this committee; and that, respecting the charges embodied in this memorial, your committee is not yet prepared to report.

LYNCH, Chairman.

The Committee on Engrossment made report of the engrossment of Senate Bills Nos. 12, 13, 14, 16, and 31.

## REPORT OF JUDICIARY COMMITTEE.

SACRAMENTO, January 19, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration Senate Bill No. 45—Entitled "An Act granting relief to taxpayers whose lands have been sold to the State"—and report the same back, with amendments, and recommend its passage as amended in committee.

Also, Senate Bill No. 42—Entitled an Act to regulate the sale of oleomargarine, and to cause the same to be easily distinguished—and recommend that it be referred to the Committee on Agriculture.

Also, Senate Bill No. 10—Amending the Constitution—with an amendment to the preamble thereof, and recommend its passage as amended.

Also, Senate Bill No. 6—Entitled an Act to amend section one thousand three hundred and thirteen of an Act entitled "An Act to establish a Civil Code," approved March thirty-first, eighteen hundred and seventy-two, relating to bequests and devises—and do now report the same back, and recommend that it do not pass.

Also, Senate Bill No. 7—Entitled an Act to amend section six hundred and forty-seven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, relating to bills of exceptions—and do now report the same back, with amendments thereto, and recommend its passage as amended.

Also, Senate Bill No. 82—Entitled "An Act to pay the salary of the Reporter of Decisions of the Supreme Court for the period elapsing from January seventh to July first, of the year eighteen hundred and eighty"—and do now report the same back, and recommend its reference to the Committee on Claims.

Also, Senate Bill No. 38—Entitled "An Act to authorize the Treasurer of State to pay out certain money paid into the treasury under an Act entitled 'An Act to promote drainage,' approved April twenty-third, eighteen hundred and eighty"—and do now report the same back, and recommend its reference to the Committee on Claims.

Also, Senate Bill No. 8—Entitled "An Act to amend section six hundred and sixty-five of an Act entitled "An Act to establish a Code of Civil Procedure," approved March eleventh, eighteen hundred and seventy-two, in relation to cases reserved for argument or further consideration"—and do now report the same back, and recommend that it do not pass.

Also, Senate Bill No. 11—Entitled "An Act to amend an Act in relation to foreign corporations," approved April first, eighteen hundred and seventy-two—and do now report the same back, with amendments thereto, and recommend its passage as amended.

C. W. CROSS, Chairman.

The Committee on State Prisons, by Mr. Reddy, Chairman, requested that Senate Bill No. 56 be referred to Committee on Claims. So referred.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, January 18, 1883. }

*To the honorable the Senate of the State of California:*

MR. PRESIDENT: I hereby inform you that I have this day appointed John Boggs of Colusa County a Director of the State Prisons, vice Martin B. Miller, not confirmed by the Senate, and respectfully ask the confirmation of said appointment by your honorable body.

GEORGE STONEMAN, Governor.

Moved, by Mr. Kellogg, to make the consideration of the appointment of Mr. Boggs the special order for two o'clock P. M.

Carried.

Also, message from the Governor, submitting the report of the Controller as to the amount of deficiency in appropriations for the twenty-fifth, thirty-first, thirty-second, thirty-third, and thirty-fourth fiscal years.

Referred to Committee on Finance.

## INTRODUCTION OF BILLS.

By Mr. Perry: Senate Bill No. 115—An Act entitled "An Act to amend section one thousand nine hundred and sixty-two of an Act

to establish a Political Code," approved March 12, 1872, relative to number of officers and privates.

Referred to Committee on Military Affairs.

Also, Senate Bill No. 116—An Act entitled "An Act to amend section one thousand nine hundred and sixty-five of an Act to establish a Political Code," approved March 12, 1872, relative to bonds to secure the State against loss of property or company funds, etc.

Referred to Committee on Military Affairs.

Also, Senate Bill No. 117—Proposed amendment to the Constitution.

Referred to Judiciary Committee.

Also, Senate Bill No. 118—An Act entitled an Act to amend section two hundred and forty-one of an Act to establish a Penal Code, approved February 14, 1872, relative to the punishment of assault.

Referred to Judiciary Committee.

By Mr. Baldwin: Senate Bill No. 119—An Act to provide for repayment of charges or assessments, with interest thereon, paid by land owners in swamp land reclamation districts, in cases where all the land owners of said district have not paid such charges or assessments.

Referred to Committee on Swamp and Overflowed Lands.

Also, Senate Bill No. 120—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as section three thousand eight hundred and seventeen, relating to revenue and the collection of property taxes, and redemptions from sales therefor.

Referred to Judiciary Committee.

By Mr. Reddy: Senate Bill No. 121—An Act to repeal an Act entitled "An Act to provide an additional Judge of the Superior Court for the County of Mono," approved April 16, 1880.

Referred to Judiciary Committee.

By Mr. Taylor: Senate Bill No. 122—An Act to amend section one thousand six hundred and thirty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duty of School Census Marshals.

Referred to Committee on Education.

By Mr. Speneer of Napa: Senate Bill No. 123—An Act to amend section one thousand and ninety-seven of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to elections and registration of voters.

Referred to Committee on Elections.

Also, Senate Bill No. 124—Amendment to the Constitution.

Referred to Judiciary Committee.

By Mr. Sullivan: Senate Bill No. 125—An Act to provide for a uniform system of text-books to be used in the public schools of the State of California.

Referred to Committee on Education.

Also, Senate Bill No. 126—An Act to provide for the printing and binding of text-books by the State Printer of the State of California, after said books have been selected by the Board of Compilation.

Referred to Committee on Education.

Also, Senate Bill No. 127—An Act to provide for the free distribution of text-books required for use in the public schools of the State of California.

Referred to Committee on Education.



By Mr. Kelly of San Francisco: Senate Bill No. 128—An Act to regulate the hours of labor on work done for the State.

Referred to Committee on Labor and Capital.

By Mr. Baldwin: Senate Bill No. 129—An Act to declare a part of the branch of the San Joaquin River, known as Middle River, not navigable.

Referred to Committee on Commerce and Navigation.

By Mr. Del Valle: Senate Bill No. 130—An Act appropriating money for the completion of the Branch Normal School Building at Los Angeles, and for the improvement of the grounds about the same.

Referred to Finance Committee.

Also, Senate Bill No. 131—An Act to appropriate money for the support of aged and indigent persons residing in the Home of the Veterans' Home Association.

Referred to Committee on Hospitals.

By Mr. Dougherty: Senate Bill No. 132—An Act entitled "An Act to grant to Boards of Health in cities and counties the power to regulate the plumbing and drainage of buildings."

Referred to Committee on Hospitals.

#### FIRST READING OF BILLS.

Senate Bill No. 45—An Act granting relief to taxpayers whose lands have been sold to the State.

Read first time, amended in title to read as follows: "An Act to amend an Act entitled 'An Act to establish a Political Code,' approved March 12, 1872, by adding a new section thereto, to be known as section three thousand eight hundred and seventeen, relating to redemption of lands sold to the State for delinquent taxes.

Section one amended by inserting immediately after the words section one the following: "A new section is hereby added to the Political Code, to be known as section three thousand eight hundred and seventeen," and to read as follows, "three thousand eight hundred and seventeen."

Also, by inserting on page one, line one, immediately after the word "been," the following: "or may hereafter be;" and also, on line three, before the word "sold," the following: "or may hereafter be."

Also, on page two, line seven, by striking out the word "fifty" and inserting the word "twenty-five" in lieu thereof.

Senate Bill No. 7—An Act to amend section six hundred and forty-seven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to bills of exceptions. Section one amended by striking out all of section one after the word "exceptions," on line seven, and insert in lieu thereof the following: "to rulings, orders, and objections concerning the admissibility of evidence upon such grounds as were stated by him at the trial."

Read first time, and placed on file for second reading.

Senate Bill No. 10—An Act amending the Constitution—The preamble amended by inserting in the second line of said preamble, after the word "Monday," the words "after the first day."

Read first time, and placed on file for second reading.

Senate Bill No. 11—An Act to amend an Act entitled "An Act in

relation to foreign corporations," approved April 1, 1872—Section one amended by inserting in line seventeen, after the word "summons," the words "and copy of complaint;" also, by striking out the word "twenty," at the beginning of line twenty-three, and inserting the word "thirty" in lieu thereof. Section two amended by striking out all of section two, and making section three section two.

Read first time, and placed on file for second reading.

Senate Bill No. 42—Reported back by Judiciary Committee, and referred to Committee on Agriculture.

Senate Bills Nos. 38 and 82—Reported back by Judiciary Committee, and referred to Committee on Claims.

Senate Bills Nos. 6 and 8—Temporarily passed on file.

## SECOND READING OF BILLS.

Senate Bill No. 1—An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to Sunday amusements where liquors are sold, and keeping open places of business on Sunday.

Mr. Whitney offered the following amendment to section one:

SECTION 1. Section two hundred and ninety-nine of said Code is amended to read as follows:

SECTION 299. Every person who, on the first day of the week, gets up, exhibits, opens, or maintains, or aids in getting up, exhibiting, opening, or maintaining any bull, bear, cock, or prize fight, horse race, circus, gambling house, or any barbarous and noisy amusement, or who keeps, conducts, or exhibits any theater, melodeon, dance cellar, or other place of musical, theatrical, or operatic performance, spectacle, or representation, where any wines, liquors, or intoxicating drinks are bought, sold, used, drank, or given away, or who purchases any ticket of admission, or directly or indirectly pays any admission fee to or for the purpose of witnessing or attending any such place, amusement, spectacle, performance, or representation, is guilty of a misdemeanor.

SEC. 2. Sections three hundred and three hundred and one of said Code are hereby repealed.

Roll-call demanded by Senators Perry, Kelly of San Francisco, and Vrooman.

Roll called with following result:

AYES—Messrs. Chandler, Dndley, Fraser, Perry, Ryan, Steele, Vrooman, Wallis, and Whitney—9.

NOES—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, English, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Maddox, Murphy, Reddy, Reynolds, Routier, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—25.

Amendment lost.

Mr. Whitney offered a second amendment to section one, as follows:

SECTION 1. Section two hundred and ninety-nine of said Code is amended to read as follows:

SECTION 299. Every person who on the first day of the week gets up, exhibits, opens, or maintains, or aids in getting up, exhibiting, opening, or maintaining any bull, bear, cock, or prize fight, horse race, circus, gambling house, or any barbarous and noisy amusement, is guilty of a misdemeanor.

SEC. 2. Sections three hundred and three hundred and one of said Code are hereby repealed.

Roll-call demanded by Messrs. Whitney, Vrooman, and Kelly of San Francisco.

Roll called with the following result:



AYES—Messrs. Chandler, Dudley, Fraser, Vrooman, Wallis, and Whitney—6.

NOES—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, English, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, Murphy, Perry, Reddy, Reynolds, Routier, Spencer of Stanislaus, Steele, Sullivan, Taylor, and Wolfskill—28.

Amendment lost.

Mr. Whitney offered the following substitute for Senate Bill No. 1—  
An Act to amend an Act entitled “An Act to establish a Penal Code,” approved February 14, 1872, relating to suspension of unnecessary business on the first day of the week, commonly called Sunday:

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section two hundred and ninety-nine of said Code is amended as follows:

Section 299. Every person who, on the first day of the week, commonly called Sunday, gets up, exhibits, opens, or maintains, or aids in getting up, opening, or maintaining any bull, bear, cock, or prize fight, horse race, circus, gambling house, or any barbarous or noisy amusement, or who keeps, conducts, or exhibits any theater, melodcon, dance cellar, or other place of musical, theatrical, or operatic performance, spectacle, or representation, where any wines, liquors, or intoxicating drinks are bought, sold, used, drank, or given away, or who purchases any ticket of admission, or directly or indirectly pays any admission fee to or for the purpose of witnessing or attending any such place, amusement, spectacle, performance, or representation, is guilty of a misdemeanor.

SEC. 2. Section three hundred of said Code is amended as follows:

Section 300. Any person who on the first day of the week, commonly called Sunday, keeps open any store, workshop, banking-house, or other place of business, for the purpose of transacting business therein, is punishable by fine not less than five nor more than fifty dollars.

SEC. 3. Section three hundred and one of said Code is amended as follows:

Section 301. The provisions of the preceding section do not apply to persons who, on Sunday, keep open hotels, boarding houses, barber shops, baths, markets, restaurants, taverns, livery stables, or retail drug stores, for the legitimate business of such, or such manufacturing establishments as are usually kept in continued operation, nor to saloons open on Sunday only during the hours from twelve o'clock noon to nine o'clock at night; nor to open-air gardens, commonly known as beer gardens; nor to places of business carried on by persons who from conscientious motives observe the seventh day of the week as a day of rest; *provided*, such places of business are so conducted as not to disturb religious assemblies held in their usual places of meeting or worship; *and provided further*, that the provisions of the preceding section shall apply to persons keeping open barber shops, bath houses, and hairdressing saloons, after twelve o'clock noon on Sunday.

Roll-call demanded by Senators Vrooman, Fraser, and Dudley.  
The roll was called with the following result:

AYES—Messrs. Chandler, Dudley, Fraser, Perry, Ryan, Steele, Vrooman, Wallis, and Whitney—9.

NOES—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, English, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, Murphy, Nelson, Reddy, Reynolds, Routier, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—27.

Substitute lost.

Read second time and ordered engrossed.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, CAL., January 19, 1883. }

*To the honorable the Senate of the State of California:*

MR. PRESIDENT: I have to inform you that I have this day appointed Elliott H. Woolsey, of Alameda County, a Trustee of the Asylum for the Deaf, Dumb, and Blind, vice J. F. Houghton, not confirmed, and respectfully ask that your honorable body advise and consent to the same.

GEORGE STONEMAN, Governor.

Mr. Whitney moved to refer to Committee on Hospitals.

Mr. Murphy moved to amend by considering the message at once. Amendment adopted.

On motion of Mr. Kelly of San Francisco, the Senate went into executive session, to consider the Governor's appointments.

Upon the question, "Will the Senate advise and consent to the appointment of Elliott H. Woolsey as Trustee of the Asylum for the Deaf, Dumb, and Blind, vice J. F. Houghton, not confirmed?" Mr. Whitney objected to a vote being taken, and moved that the nomination be referred to the Committee on Hospitals.

Motion lost.

The question recurring on the original motion, the roll was called with the following result:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lyneh, Maddox, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, and Wolfskill—36.

NOES—None.

Whereupon the Chair announced the appointment of Elliott H. Woolsey as Trustee of the Asylum for the Deaf, Dumb, and Blind.

Mr. Spencer of Napa moved to reconsider the vote by which the consideration of the appointment of John Boggs was made a special order for two o'clock.

Carried.

Mr. Cross moved the immediate consideration of the appointment.

Carried.

Upon the question, "Will the Senate advise and consent to the appointment of John Boggs as State Prison Director, vice Miller, not confirmed?" the roll was called, with the following result:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lyneh, Maddox, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—37.

NOES—None.

Whereupon the Chair announced the appointment of John Boggs as State Prison Director.

### THIRD READING OF BILLS.

Senate Bill No. 12—An Act to amend section three hundred and twenty-six of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to stocks and stockholders.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Chandler, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lyneh, Maddox, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—36.

NOES—None.

Senate Bill No. 13—An Act to amend sections one thousand two hundred and two and one thousand two hundred and three of an Act entitled "An Act to establish a Civil Code," approved March 21,

1872, relating to actions for proving instruments and correcting defective certificates of acknowledgments.

On motion of Mr. Vrooman, it was recommitted to the Judiciary Committee, with instructions as follows: Amend section one so that the defective certificates of acknowledgments of married women may be corrected the same as in the case of other persons.

Senate Bill No. 14—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to assignments for the benefit of creditors.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spenceer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallace, Whitney, and Wolfskill—35.

NOES—None.

Senate Bill No. 16—An Act to amend section two thousand two hundred and eighty-two of "An Act to establish a Civil Code," approved March 21, 1872, relating to the manner in which a Trustee may be discharged from his trust.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spenceer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—34.

NOES—None.

Senate Bill No. 31—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to authentication of marriage.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Knight, Langford, Lynch, Maddox, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spenceer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—34.

NOES—None.

Mr. Knight gave notice that he should move to-morrow for a reconsideration of the vote by which Elliott H. Woolsey was confirmed as Trustee of the Asylum for the Deaf, Dumb, and Blind.

Mr. Kellogg raised the point of order that the executive session had closed.

Point of order sustained by the Chair.

#### RESOLUTIONS.

Mr. Taylor introduced Concurrent Resolution No. 8—Relating to the appointment of Captain John Mullan of San Francisco, California, as agent and attorney to represent the interests of the State of California before the proper authorities of the United States at Washington, D. C., in the matter of the claim of this State to the five per cent net proceeds of the sales of the public lands by the United States in this State, etc.

Referred to Committee on Federal Relations.

By Mr. Dudley:

*Resolved*, That the sum of six hundred dollars is hereby appropriated out of the sum set apart for the contingent expenses of the Senate, for the purpose of supplying copies of the Codes heretofore ordered for the use of Senators.

Adopted.

By Mr. Reddy :

*Resolved by the Senate*, That the Committee on State Prisons be empowered to send for persons and papers in the prosecution of their investigations of the management of the prisons and reformatory institutions, etc., of this State; and that the committee be empowered to employ an expert and a Sergeant-at-Arms, as well as a shorthand reporter, should they take testimony for the use of this Senate, should they deem it necessary, and that they be granted an indefinite leave of absence.

Roll-call demanded by Senators Vrooman, Steele, and Nelson.  
Roll called with the following result:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Nelson, Perry, Reddy, Reynolds, Ryan, Spencer of Stanislaus, Steele, Sullivan, and Taylor—27.

NOES—Messrs. English, Fraser, Maddox, Murphy, Routier, Vrooman, Wallis, and Whitney—8.

Adopted.

By Mr. Cox :

*Resolved*, That R. D. Ferguson is hereby allowed the sum of four dollars for one day's work as Porter in Sergeant-at-Arms room, and that the Controller be and is hereby directed to draw his warrant in favor of said R. D. Ferguson for said sum.

Adopted.

#### ADJOURNMENT.

At twelve o'clock and fifteen minutes, Mr. Maddox moved to adjourn.

Mr. Vrooman moved to amend by making the time Monday, January twenty-second.

Amendment lost, and original motion adopted.

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#### IN SENATE.

SENATE CHAMBER,  
Saturday, January 20, 1883. }

Senate met pursuant to adjournment.

Hon. R. F. Del Valle, President pro tem., in the chair.

Roll called, and the following Senators answered to their names :

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Leave of absence for one day granted to Senators Spencer of Stanislaus and Sullivan of San Francisco.

Journal of yesterday read and approved.



The Chair announced the Secretary of State had furnished him with additional papers in the case of Brooks vs. Steele, which were referred to the Committee on Elections.

#### PETITIONS.

By Mr. Perry: A petition from the Barbers' Protective Union, indorsed by over eight hundred barbers throughout the State, requesting that section three hundred and one of the Penal Code, providing for the closing of barber shops at twelve o'clock M. on Sundays, be retained in force.

Referred to Judiciary Committee.

#### REPORTS OF STANDING COMMITTEES.

SENATE CHAMBER, SACRAMENTO, January 18, 1883.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz.:

*Resolved*, That R. G. Falk be appointed Assistant Minute Clerk of the Senate, at a per diem to be hereafter fixed, payable out of the appropriation for the contingent expenses of the Senate—have had the same under consideration, and recommend that the salary of said Assistant Minute Clerk be fixed at the rate of eight dollars per day, said salary to commence from the ninth day of January, eighteen hundred and eighty-three, the date of said appointment.

Also, the following, viz.:

*Resolved*, That F. Cavagnaro be and he is hereby appointed Night Watchman, at a per diem to be hereafter fixed, payable out of the appropriation for the contingent expenses of the Senate—recommend that he be allowed the sum of four dollars per day, said salary to commence from the ninth day of January, the date of said appointment.

Also, the following, viz.:

*Resolved*, That the Sergeant-at-Arms be empowered to appoint Major Jas. Buckner and W. P. Jordan as Gatekeepers, one for each side of the Senate Chamber, at a per diem to be hereafter fixed by the Senate—recommend that they be allowed the sum of four dollars per day each, said salary to commence from the ninth day of January, eighteen hundred and eighty-three, the date of said appointment.

Also, the following, viz.:

*Resolved*, That Thomas McGann is hereby appointed Mail Carrier of the Senate, at a per diem to be hereafter fixed by the Senate—recommend that he be allowed the sum of four dollars per day, said salary to commence from the ninth day of January, eighteen hundred and eighty-three, the date of said appointment.

Also, the following, viz.:

*Resolved*, That Hank Jones is hereby appointed Watchman of the Gallery—recommend that he be allowed a salary of four dollars per day, said salary to commence from the ninth day of January, eighteen hundred and eighty-three, the date of said appointment.

Also, the following, viz.:

*Resolved*, That the President of the Senate be and is hereby empowered to appoint two Pages for the Senate, in addition to the three provided by statute, one for the desk and one for the Sergeant-at-Arms of the Senate—recommend that they be allowed the sum of three dollars per day each, said salary to commence from the eleventh day of January, eighteen hundred and eighty-three, the date of said appointment.

Also, the following, viz.:

*Resolved*, That Henry Helm be appointed Day Watchman of the Senate and C. McGuire Rear Porter of the Senate, at a per diem to be hereafter fixed, payable out of the appropriation for the contingent expenses of the Senate—recommend that they be allowed the sum of four dollars per day each, said salary to commence from the twelfth day of January, eighteen hundred and eighty-three, the date of said appointment.

Also, the following, viz.:

*Resolved*, That the Sergeant-at-Arms of the Senate be empowered to employ a clerk for his office, at a per diem to be hereafter fixed, payable out of the appropriation for the contingent expenses of the Senate—recommend that the salary of said clerk be fixed at the rate of six dollars per day, said salary to commence from the ninth day of January, eighteen hundred and eighty-three, the date of said appointment.

All of which is respectfully submitted.

MADDOX, Chairman.

#### COMMITTEE ON FINANCE.

SENATE CHAMBER, SACRAMENTO, January 19, 1883.

MR. PRESIDENT: The Committee on Finance, to whom was referred Senate Bill No. 52, entitled "An Act making appropriation for a deficiency in the appropriation for the transportation of prisoners for the thirty-second fiscal year."



Also, Senate Bill No. 53, entitled "An Act making appropriation for a deficiency in the appropriation for transportation of insane for the thirty-second fiscal year."

Also, Senate Bill No. 54, entitled "An Act making appropriation for a deficiency in the appropriation for transportation of prisoners for the thirty-third fiscal year."

Also, Senate Bill No. 55, entitled "An Act making appropriation for a deficiency in the appropriation for transportation of insane for the thirty-third fiscal year"—have had the same under consideration, and report the same back to the Senate, and recommend that they do pass.

B. D. MURPHY, Chairman.

#### COMMITTEE ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 20, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration Senate Bill No. 50, entitled "An Act to provide for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities," and do now report the same back to the Senate, with the recommendation that it be referred to the Committee on City, City and County, and Town Governments.

C. W. CROSS, Chairman.

Report adopted, and Bill No. 50 so referred.

#### COMMITTEE ON ENGROSSMENT.

MR. PRESIDENT: Your Committee on Engrossment have examined and found correctly engrossed Senate Bill No. 1—An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one of the Penal Code.

NELSON, Chairman.

Mr. Perry requested that Senate Bill No. 117 be referred from the Judiciary Committee to the Committee on Education.

So ordered.

#### INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Wolfskill: Senate Bill No. 133—An Act to amend an Act entitled "An Act authorizing the Boards of Supervisors of the counties in which water is sold for purposes of irrigation to fix the rates at which water shall be sold," approved March 26, 1880.

Referred to Committee on Irrigation, Water Rights, Drainage, and Mining Debris.

By Mr. Spencer of Napa: Senate Bill No. 134—An Act to establish a uniform system of county governments.

Referred to Committee on Counties, County Governments, and Township Organization.

By Mr. Lynch: Senate Bill No. 135—An Act for the preservation of San Francisco and San Pablo Bays.

Referred to Committee on Commerce and Navigation.

By Mr. English: Senate Bill No. 136—An Act to provide for the separate confinement and correctional discipline of juvenile offenders.

Referred to Committee on State Prisons and Prison Buildings.

By Mr. Murphy: Senate Bill No. 137—An Act for the improvement of public streets within the limits of incorporated cities and towns having a population of less than one hundred thousand inhabitants.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Maddox: Senate Bill No. 138—An Act to amend section one hundred and fifteen of an Act entitled "An Act to establish a Code of Civil Procedure, relating to the jurisdiction of Justices' Courts."

Referred to Judiciary Committee.

By Mr. Vrooman: Senate Bill No. 139—An Act to amend an Act entitled "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers," approved March 29, 1878.

Referred to Committee on Irrigation, Water Rights, Drainage, and Mining Debris.

Also, Senate Bill No. 140—Amendment to the Constitution.

Referred to Committee on Education.

Also, Senate Bill No. 141—An Act to amend section five thousand and ninety-two of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

Referred to Judiciary Committee.

Also, Senate Bill No. 142—An Act to amend section fourteen hundred and twenty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872.

Referred to Judiciary Committee.

By Mr. Fraser: Senate Bill No. 143—An Act to prohibit the naturalization of Chinese or Mongolians in the State of California.

Referred to Judiciary Committee.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received:

ASSEMBLY CHAMBER, SACRAMENTO, January 20, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January nineteenth, eighteen hundred and eighty-three, passed Assembly Concurrent Resolution No. 1, relative to the law restricting Chinese immigration and its construction by officers of the General Government.

Referred to Committee on Federal Relations.

Also, that the Assembly concurred in Senate Concurrent Resolution No. 7, relative to the State Engineer devising a permanent plan for the disposition of the sewerage of the Deaf, Dumb, and Blind Asylum and State University, in Alameda County.

Also, that the Assembly passed, on January nineteenth, Assembly Bill No. 151—An Act making an appropriation for the deficiency in the appropriation for the support of the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty-three.

Read by title, and referred to Committee on Finance.

Also, Assembly Bill No. 27—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand two hundred and seven, providing the manner in which preferred labor claims may be disputed.

M. C. HALEY, Chief Clerk.

Read by title, and referred to Committee on Labor and Capital.

#### FIRST READING OF BILLS.

Senate Bill No. 6—An Act entitled "An Act to establish a Civil Code," approved March 31, 1872, relating to bequests and devises.

First reading denied.

Senate Bill No. 8—An Act to amend section six hundred and sixty-five of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, in relation to cases reserved for argument or further consideration.

First reading denied.

Senate Bill No. 52—An Act making appropriation for a deficiency in the appropriation for the transportation of prisoners for the thirty-second fiscal year.

Read first time, and placed on file for second reading.

Senate Bill No. 53—An Act making appropriation for a deficiency in appropriations for transportation of insane for the thirty-second fiscal year.

Read first time, and placed on file for second reading.

Senate Bill No. 54—An Act making appropriation for a deficiency in the appropriations for transportation of prisoners for the thirty-third fiscal year.

Read first time, and placed on file for second reading.

Senate Bill No. 55—An Act making appropriation for a deficiency in the appropriations for the transportation of insane for the thirty-third fiscal year.

Read first time, and placed on file for second reading.

#### SECOND READING OF BILLS.

Senate Bill No. 7—An Act to amend section six hundred and forty-seven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to bills of exceptions.

Read second time, and ordered engrossed.

Senate Bill No. 10—An Act amending the Constitution.

Read second time, and ordered engrossed.

Senate Bill No. 11—An Act to amend an Act entitled "An Act in relation to foreign corporations," approved April 1, 1872.

Read second time, and ordered engrossed.

Senate Bill No. 45—An Act granting relief to taxpayers whose lands have been sold to the State.

Read second time, and ordered engrossed.

#### RESOLUTIONS.

By Mr. Cross:

*Resolved*, That the per diem of the additional clerk of the Judiciary Committee be the same as that of the clerk of the same committee.

Referred to Committee on Contingent Expenses and Mileage.

Also:

*Resolved*, That the Sergeant-at-Arms of the Senate is hereby instructed to draw his warrant upon the proper fund for the payment of the per diem of the President of the Senate, Lieutenant-Governor John Daggett, for the first three days of the present session of the Legislature.

Adopted.

By Mr. Spencer of Napa:

*Resolved*, That the Secretary of State be and he is hereby authorized to furnish the Senators with postage stamps, the amount so furnished to be charged and to form part of the contingent expenses of each Senator; *provided*, that the amount furnished for stationery and stamps shall not exceed twenty-five dollars. And it is further

*Resolved*, That the Controller of the State be and he is hereby authorized to draw his warrant in favor of the Secretary of State for five hundred dollars, for the purchase of such stamps, said sum to be charged to the Contingent Fund of the Senate, and to be paid out of moneys in the General Fund not otherwise appropriated.

Referred to Committee on Contingent Expenses and Mileage.

By Mr. Kelley of Solano:

*Resolved*, That Senator Frederick Cox be added to the State Prison Committee.

The name of Mr. Cox was added to the Committee on State Prisons.

#### REPORT OF COMMITTEE.

Mr. Langford, Chairman of Committee on Roads and Highways, reported that they had considered Assembly Concurrent Resolution No. 4, relating to joint meetings of the Senate and Assembly Committees on Roads and Highways, and recommended its adoption.  
So ordered.

#### THIRD READING OF BILLS.

Senate Bill No. 1—An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to Sunday amusements where liquors are sold and keeping open places of business on Sunday.

Mr. Vrooman moved that this bill be placed at the head of the file for third reading on Monday, January twenty-second.

Roll-call demanded by Senators Taylor, Chandler, and Vrooman.  
Roll called with the following result:

AYES—Messrs. Chandler, Dudley, Fraser, Murphy, Perry, Routier, Ryan, Steele, Vrooman, Wallis, and Whitney—11.

NOES—Messrs. Baldwin, Cox, Cross, Del Valle, Dougherty, English, Foster, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Langford, Lynch, Maddox, McCarthy, Reynolds, Spencer of Napa, and Taylor—18.

Motion lost.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Cox, Cross, Del Valle, Dougherty, English, Foster, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Perry, Reynolds, Routier, Spencer of Napa, and Taylor—22.

NOES—Messrs. Chandler, Dudley, Fraser, Ryan, Steele, Vrooman, Wallis, Whitney, and Wolfskill—9.

Previous to the announcement of the vote, Mr. Perry changed his vote from no to yea, and gave notice of his intention to move for a reconsideration of the vote on Monday, January twenty-second.

Mr. Kellogg stated that he was tacitly paired with Mr. McClure, and wished to be excused from voting. No objection being made the request was granted.

Mr. Whitney offered an amendment to the title of the bill, which the Chair refused to entertain.

#### ADJOURNMENT.

At eleven o'clock and fifteen minutes, on motion of Mr. Cross, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Monday, January 22, 1883. }

The Senate met pursuant to adjournment.

Hon. R. F. Del Valle, President pro tem., in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Chandler, Cox, Cross, Del Valle, Dougherty, Dudley, English, Fileher, Foster, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Lynch, McCarthy, McClure, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of Saturday read and approved.

## PETITIONS.

Presented by Mr. Vrooman: A petition from the Regents of the State University, setting forth the needs of the University for the current fiscal year, and asking for appropriations to the amount of fifty-seven thousand eight hundred dollars.

Referred to Committee on Finance.

Also, a petition from the Board of Trustees of the town of Berkeley, praying for an amendment to the Constitution, striking out a part of section nineteen of article eleven, relating to street improvements.

Referred to Committee on City, City and County, and Town Governments.

Also, a petition from the Common Council of the City of Oakland, to the same effect.

Referred to the Committee on City, City and County, and Town Governments.

The Chair appointed Joseph L. Van Praag as Porter for the committee rooms.

By Mr. McClure: A petition from the Board of Supervisors of the City and County of San Francisco, of the same purport as the preceding.

Referred to Committee on City, City and County, and Town Governments.

## REPORTS OF STANDING COMMITTEES.

## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, January 22, 1883.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred Senate Bills Nos. 7, 10, 11, 45, and Concurrent Resolution No. 7—have examined the same, and find them properly engrossed.

NELSON, Chairman.

## ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 22, 1883.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and found correctly enrolled, Senate Concurrent Resolution No. 4, and that the same has this day been placed in the hands of the Governor.

HARRIGAN, Chairman.



## ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, January 21, 1883.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Senate Bill No. 3—"An Act to establish a State Board of Horticulture and appropriate moneys for the expenses thereof"—have had the same under consideration, and now report the same back to the Senate, and recommend its passage as amended.

Also, Senate Bill No. 2—"An Act to prevent the spreading of fruit and fruit tree pests and diseases, and to provide for their extirpation"—have had the same under consideration, and report the same back to the Senate, and recommend its passage as amended.

JOHN WOLFSKILL, Chairman.

## ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 22, 1883.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 106, have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

Amend the title by substituting the following: "An Act to amend section six hundred and thirteen of an Act entitled 'An Act to establish a Civil Code,' approved March 22, 1872, relating to cemetery corporations."

Amend section one by inserting the words "except as hereinafter provided" after the word "inalienable," in line seven.

PIERCE H. RYAN, Chairman.

## INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Perry: Senate Bill No. 144—An Act authorizing and directing the Board of State Harbor Commissioners to reduce or abolish the rate of dockage, wharfage, and tolls.

Referred to Committee on Commerce and Navigation.

By Mr. Chandler: Senate Bill No. 145—An Act to amend section three hundred and fifty-five of the Civil Code, relative to the powers and purposes of corporations.

Referred to Committee on Corporations.

By Mr. Reddy: Senate Bill No. 146—An Act to amend section one thousand one hundred and eighty-three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to liens of mechanics and others upon real property.

Referred to Judiciary Committee.

Also, Senate Bill No. 147—An Act to protect more effectually the lives of railroad passengers from casualties by fire.

Referred to Judiciary Committee.

By Mr. Sullivan: Senate Bill No. 148—An Act to add a new section, to be known as number four hundred and ninety-two, to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to railroad corporations and brakemen employed by said corporations.

Referred to Judiciary Committee.

Also, Senate Bill No. 149—An Act to add a new section to an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, to be known as section four hundred and one, relating to neglect of duty by brakemen on railroad cars.

Referred to Judiciary Committee.

By Mr. Johnson: Senate Bill No. 150—An Act to provide for refunding certain indebtedness of the State of California.

Referred to Finance Committee.

By Mr. Harrigan: Senate Bill No. 151—An Act relative to unclaimed bank dividends and deposits.

Referred to Committee on Corporations.

By Mr. Steele: Senate Bill No. 152—An Act to repeal an Act entitled "An Act amendatory of and supplementary to an Act entitled 'An Act regulating fees of office and salaries of certain officers in the County of San Luis Obispo,' approved March 29, 1870," approved April 3, 1876.

Referred to Judiciary Committee.

By Mr. Kelly of San Francisco: Senate Bill No. 153—An Act to amend section seven of "An Act to define and enlarge the duties and powers of the State Board of Viticultural Commissioners, and to authorize its appointment of certain officers, and to protect the interests of horticulture and viticulture," approved March 4, 1881.

Referred to Committee on Agriculture.

By Mr. Cox: Senate Bill No. 154—An Act to appropriate money to John O. Brown, to pay for materials furnished by him in the construction of the Branch State Prison at Folsom.

Referred to Committee on Claims.

By Mr. McClure: Senate Bill No. 155—Amendment to the Constitution, relating to section four of article eleven of the Constitution.

Referred to Judiciary Committee.

Also, Senate Bill No. 156—An Act to amend section three hundred and forty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, known as the Civil Code, relative to the collection of delinquent assessments levied by corporations.

Referred to Committee on Corporations.

By Mr. Harrigan: Senate Bill No. 157—An Act to fix the compensation of the watchmen in and about the State Capitol and its grounds.

Referred to Committee on Public Buildings.

By Mr. Kelley of Solano: Senate Bill No. 158—An Act to amend section eight hundred and seventy-two of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the holding of defendants to answer when charged with the commission of a public offense.

Referred to Judiciary Committee.

Also, Senate Bill No. 159—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section three thousand four hundred and seventy-eight, relative to nuisances.

Referred to Committee on Corporations.

By Mr. Vrooman: Senate Bill No. 160—An Act making an appropriation of fifteen thousand dollars for the protection and improvement of the buildings and grounds of the State University.

Referred to Committee on Finance.

Also, Senate Bill No. 161—An Act to amend section one thousand five hundred and eighty-two of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to parties to civil actions and proceedings in certain cases named, concerning administrators, executors, and persons interested in estates of decedents.

Referred to Judiciary Committee.

Also, Senate Bill No. 162—An Act to amend section three hundred and sixty-nine of an Act entitled "An Act to establish a Code of Civil

Procedure," approved March 11, 1872, relating to parties to civil actions and proceedings, who are only necessary parties in certain instances named.

Referred to Judiciary Committee.

Also, Senate Bill No. 163—An Act to amend section one thousand five hundred and eighty-one of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the duties and powers of executors and administrators.

Referred to Judiciary Committee.

Also, Senate Bill No. 164—An Act to create a permanent Code Commission.

Referred to Judiciary Committee.

## SECOND READING OF BILLS.

Senate Bill No. 52—An Act making appropriation for a deficiency in the appropriation for transportation of prisoners for the thirty-second fiscal year.

Read second time, and ordered engrossed.

Also, Senate Bill No. 53—An Act making appropriation for a deficiency in appropriations for transportation of insane for the thirty-second fiscal year.

Read second time, and ordered engrossed.

Also, Senate Bill No. 54—An Act making appropriation for a deficiency in the appropriations for transportation of prisoners for the thirty-third fiscal year.

Read second time, and ordered engrossed.

Also, Senate Bill No. 55—An Act making appropriation for a deficiency in the appropriations for transportation of insane for the thirty-third fiscal year.

Read second time, and ordered engrossed.

## RESOLUTIONS.

By Mr. Kellogg:

*Resolved*, That in printing the Senate files for Mondays and Thursdays of each week, the Secretary be requested to give a list of all bills not passed by the Senate, including the number, title, author, reference, and action thereon.

Adopted.

By Mr. Cross (by request): A joint resolution asking Congressional action on behalf of the University of California.

Referred to Committee on Federal Relations.

## LEAVE OF ABSENCE.

Leave of absence was granted the Committee on Public Buildings.  
Also, to the Committee on Hospitals.

## MESSAGE RECEIVED FROM THE ASSEMBLY.

Moved, by Mr. Lynch, to take up the Assembly message out of order.

Roll-call demanded by Senators Vrooman, McClure, and Kelley of Solano.

Roll called with the following result:

AYES—Messrs. Chandler, Cox, Cross, Del Valle, Dudley, English, Foster, Johnson, Kelly of San Francisco, Kelley of Solano, Knight, Lyneh, Perry, Reynolds, Routier, Steele, Sullivan, Taylor, Whitney, and Wolfskill—20.

NOES—Messrs. Harrigan, Kellogg, McCarthy, McClure, Reddy, Ryan, Vrooman, and Wallis—8.

Carried.

#### MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, January 22, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twentieth day of January, eighteen hundred and eighty-three, passed Assembly Concurrent Resolution No. 11, relative to investigating the official acts of the Board of State Harbor Commissioners and Board of Pilot Commissioners.

M. C. HALEY, Chief Clerk.

Assembly Concurrent Resolution No. 11, as above, adopted.

Mr. Perry gave notice that he should call for a report on Saturday, January twenty-seventh, eighteen hundred and eighty-three, from the Committee on Commerce and Navigation, on Senate Bill No. 144.

#### PETITION—(OUT OF ORDER).

By consent, Mr. Cox was permitted to present a petition from the Board of Trustees of the City of Sacramento, praying for the passage of the proposed amendment to the Constitution, striking out portions of section nineteen of article eleven, relating to street improvements.

Referred to Committee on City, City and County, and Town Governments.

In accordance with previous notice, Mr. Perry moved to reconsider the vote on the passage of Senate Bill No. 1.

Roll called with the following result:

AYES—Messrs. Baldwin, Chandler, Dudley, McClure, Perry, Steele, Vrooman, Wallis, and Whitney—8.

NOES—Messrs. Cox, Cross, Del Valle, English, Filcher, Foster, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, McCarthy, Reddy, Reynolds, Routier, Sullivan, Taylor, and Wolfkill—19.

Lost.

Senator Nelson requested that his name should be recorded as voting "aye" on the final passage of Senate Bill No. 1.

Senator McClure requested to have his vote recorded as voting "no" on the same bill.

On motion of Mr. Ryan, the requests of both Senators were granted.

#### THIRD READING OF BILLS.

Senate Bill No. 7—An Act to amend section six hundred and forty-seven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to bills of exceptions.

Read third time, and passed by the following vote:

AYES—Messrs. Chandler, Cross, Del Valle, Dudley, English, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, McCarthy, McClure, Perry, Reddy, Reynolds, Routier, Ryan, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfkill—25.

NOES—None.

Senate Bill No. 10—An Act amending the Constitution.



Mr. Sullivan moved to recommit the bill to the Judiciary Committee, with instructions to amend so as to read as follows:

Amend section nineteen, of article eleven, so as to read as follows:

Section 19. No public work or improvement of any description whatever shall be done or made, in any city, in, upon, or about the streets thereof, or otherwise, the cost and expense of which is made chargeable or may be assessed upon private property by special assessment, unless an estimate of such cost and expense shall be made, and an assessment in proportion to the benefits on the property to be affected or benefited, shall be levied by the authority hereafter provided by law before such work or improvement shall be commenced, or any contract for letting or doing the same authorized or performed. In any city where there are no public works owned and controlled by the municipality for supplying the same with water or artificial light, any individual or any company duly incorporated for such purpose under and by authority of the laws of this State, shall, under the direction of the Superintendent of Streets, or other officer in control thereof, and under such general regulations as the municipality may prescribe for damages and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gaslight or other illuminating light, or with fresh water for domestic and all other purposes, upon the condition that the municipal government shall have the right to regulate the charges thereof.

Lost.

On motion of Mr. McClure, the bill was made a special order for Tuesday, January twenty-third, eighteen hundred and eighty-three, at two o'clock P. M.

Assembly Bill No. 151—Referred from the Finance Committee to the Committee on Public Printing.

Senate Bill No. 11—An Act to amend an Act entitled "An Act in relation to foreign corporations," approved April 1, 1872.

Read third time, and passed by the following vote:

AYES—Messrs. Chandler, Cox, Cross, Del Valle, Dudley, English, Foster, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Lynch, McCarthy, McClure, Perry, Reddy, Reynolds, Routier, Spence of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill—27.

NOES—None.

#### RESOLUTIONS—(OUT OF ORDER).

By consent, Mr. Taylor introduced the following:

*Resolved by the Senate,* That Joseph Van Praag, the Porter for the committee rooms, be and he is hereby allowed his per diem from the fifteenth day of January, eighteen hundred and eighty-three.

Adopted.

By Mr. Fileher: Senate Concurrent Resolution No. 9—Authorizing the Secretary of State to furnish copies of all bills passed by this Legislature to the Supreme Court and to each Superior Court of the State as soon as practicable after its passage.

Adopted.

#### THIRD READING OF BILLS.

Senate Bill No. 45—An Act granting relief to taxpayers whose lands have been sold to the State.

Read third time, and passed by the following vote:

AYES—Messrs. Chandler, Cox, Cross, Del Valle, Dudley, English, Fileher, Foster, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Lynch, McCarthy, McClure, Perry, Reddy, Reynolds, Routier, Ryan, Spence of Stanislaus, Steele, Taylor, Vrooman, Whitney, and Wolfskill—28.

NOES—None.



The Chair announced that additional papers had been received in the contested election case of Brooks vs. Steele, and the same were referred to Committee on Elections.

#### ADJOURNMENT.

At four o'clock and ten minutes P. M., on motion of Senator English, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Tuesday, January 23, 1883. }

The Senate met pursuant to adjournment.

Hon. R. F. Del Valle, President pro tem., in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Chandler, Cox, Cross, Del Valle, Dudley, English, Filcher, Foster, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Lynch, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

The Journal of yesterday read and approved.

Leave of absence granted to the Sergeant-at-Arms for one day.

#### REPORTS OF STANDING COMMITTEES.

##### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 23, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration Senate Bill No. 48—Entitled "An Act to amend section three hundred and fifty-nine of the Civil Code," in relation to corporations—and do now report the same back to the Senate, with an amendment to the title thereof, and recommend its passage as amended.

Also, Senate Bill No. 15—Entitled an Act to amend section three hundred and twenty-five of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the time of commencing actions for the recovery of real property—and do now report the same back to the Senate, with the recommendation that it do not pass.

Also, Senate Bill No. 17—Entitled an Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known and numbered as section one thousand four hundred and eight, relative to reducing the bonds of executors and administrators in case of certain deposits being made, and also relative to the custody and control of such deposits and the liability of depositaries—and do now report the same back to the Senate, and recommend its passage.

C. W. CROSS, Chairman.

##### ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, January 23, 1883.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Senate Bill No. 108—"An Act to encourage the use of steam as a motive power on roads and highways, and granting a reward of fifty thousand dollars to any citizen who shall construct and operate a road engine capable of moving freight at a nominal cost"—have had the same under consideration, and report the same back to the Senate, and recommend that it do not pass.

JOHN WOLFSKILL, Chairman.

## ON PUBLIC PRINTING.

MR. PRESIDENT: Your Committee on Public Printing have had under consideration Assembly Bill No. 151—An Act making an appropriation for the support of the State Printing Office for the fiscal year ending June 30, 1883—and recommend its passage.

J. D. SPENCER, Chairman.

## ON CLAIMS.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 82—"An Act to pay the salary of the Reporter of Decisions of the Supreme Court for the period elapsing from January seventh to July first, of the year eighteen hundred and eighty," beg leave respectfully to report that they have carefully examined the same, and recommend its passage as amended.

K. E. KELLEY of Solano, Chairman.

## ON ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, January 23, 1883.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred Senate Bills Nos. 52, 53, 54, and 55, have examined the same, and find them properly engrossed.

NELSON, Chairman.

## MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January twenty-second, eighteen hundred and eighty-three, passed substitute for Assembly Bill No. 7—An Act to amend section one thousand seven hundred and fifty-one of the Code of Civil Procedure, relating to guardians of minors.

Also, Substitute for Assembly Bill No. 8—An Act to amend section one thousand seven hundred and seventy-four of the Code of Civil Procedure, relating to the powers and duties of guardians.

Also, Assembly Bill No. 12—An Act to amend section one thousand seven hundred and sixty-four of the Code of Civil Procedure of California, relating to insane and incompetent persons and the appointment of guardians therefor.

Also, Assembly Bill No. 18—An Act to repeal section one thousand three hundred and seventy of the Code of Civil Procedure, concerning a married woman as administratrix.

Also, Assembly Bill No. 19—An Act to repeal section one thousand three hundred and fifty-two of the Code of Civil Procedure, concerning a married woman as executrix.

Also, Assembly Bill No. 20—An Act to amend section one thousand three hundred and sixty-nine of the Code of Civil Procedure, concerning persons not entitled to act as administrator or administratrix of an estate.

M. C. HALEY, Chief Clerk.

By G. W. HERBERT, Assistant Clerk.

Assembly Bills Nos. 7, 8, 12, 18, 19, and 20.  
Referred to Judiciary Committee.

## INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. McClure: Senate Bill No. 165—An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen.

Referred to Committee on Apportionment and Representation.

By Mr. Del Valle: Senate Bill No. 166—An Act to amend section twenty-three of an Act entitled "An Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto," approved March 5, 1870, relative to fees of office and salaries of certain officers.

Referred to Judiciary Committee.

Also, Senate Bill No. 167—An Act to amend an Act entitled "An

Act to amend an Act to regulate fees of office," approved March 5, 1870, approved April 4, 1870, relating to the official fees and charges of Justices of the Peace.

Referred to Judiciary Committee.

By Mr. Vrooman: Senate Bill No. 169—An Act to amend section two hundred and four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to the method of selecting and returning jurors.

Referred to Judiciary Committee.

By Mr. Filcher: Senate Bill No. 168—An Act to add a new section to the Penal Code, to be numbered section eight hundred and eighty-four, relating to examinations and complaints in criminal cases.

Referred to Judiciary Committee.

On motion of Mr. Knight, Senator Whitney was added to the Committee on Hospitals.

#### FIRST READING OF BILLS.

Senate Bill No. 2—An Act to prevent the spreading of fruit and fruit tree pests and diseases, and to provide for their extirpation.

Read first time, amendments of the committee adopted, and placed on file for second reading.

Senate Bill No. 3—An Act to establish a State Board of Horticulture and appropriate moneys for the expenses thereof.

Read first time, and the amendments of the committee adopted, and placed on file for second reading.

#### ROLL-CALL.

Pending the consideration of the amendments to this bill, a roll-call was demanded to ascertain if a quorum was present.

Roll called, and the following Senators answered to their names:

Messrs. Chandler, Cox, Cross, Del Valle, Dudley, English, Filcher, Foster, Harrigan, Johnson, Kellogg, McClure, Perry, Reddy, Reynolds, Routier, Ryan, Steele, Sullivan, and Vrooman.

Further proceedings under the roll-call were dispensed with.

Senate Bill No. 106—An Act to amend section six hundred and thirteen of the Civil Code of the State of California, relating to cemetery corporations.

Read first time, amendment of committee adopted, and placed on file for second reading.

#### THIRD READING OF BILLS.

Senate Bill No. 52—An Act making appropriation for a deficiency in the appropriation for transportation of prisoners for the thirty-second fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Chandler, Cox, Cross, Del Valle, Dudley, English, Foster, Harrigan, Johnson, Kellogg, Lynch, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Steele, Sullivan, Taylor, Vrooman, and Wallis—23.

NOES—None.

Senate Bill No. 53—An Act making appropriation for a deficiency in appropriations for transportation of insane for the thirty-second fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Chandler, Cox, Cross, Del Valle, Dudley, English, Foster, Harrigan, Johnson, Lynch, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Steele, Sullivan, Taylor, Vrooman, and Wallis—21.

NOES—None.

Senate Bill No. 54—An Act making appropriation for a deficiency in the appropriations for transportation of prisoners, for the thirty-third fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Chandler, Cox, Cross, Del Valle, Dudley, English, Foster, Harrigan, Johnson, Kellogg, Lynch, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryau, Steele, Sullivan, Taylor, Vrooman, and Wallis—23.

NOES—None.

Senate Bill No. 55—An Act making appropriation for a deficiency in the appropriations for the transportation of insane for the thirty-third fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Chandler, Cox, Cross, Del Valle, Dudley, English, Filcher, Foster, Harrigan, Johnson, Kellogg, Lynch, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Steele, Sullivan, Taylor, Vrooman, and Wallis—24.

NOES—None.

#### ASSEMBLY MESSAGES—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, January 23, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Concurrent Resolution No. 3—Relating to the revision of the tariff laws by the Congress of the United States of America.

Referred to Committee on Federal Relations.

Also, Assembly Concurrent Resolution No. 6—Relating to a proposed amendment to the Constitution of the United States, so as to elect the President and Vice-President by a direct vote of the people.

Referred to Judiciary Committee.

Also, Concurrent Resolution No. 13—Relative to instructing our Senators and requesting our Representatives in Congress, to use their influence to restore to the public domain all lapsed land grants to railroads.

Referred to Judiciary Committee.

Also, Assembly Concurrent Resolution No. 15—Concerning litigation to determine the title to Mussel Slough lands, in Tulare and Fresno Counties, California.

Referred to Judiciary Committee.

Also, Assembly Concurrent Resolution No. 16—Relative to forfeiture of lands granted to railroads, and their restoration to the public domain.

Referred to Judiciary Committee.

M. C. HALEY, Chief Clerk.  
By G. W. HERBERT, Assistant Clerk.

## RECESS.

At eleven o'clock and thirty minutes A. M., Mr. McClure moved to take a recess until two o'clock P. M.

Mr. Filcher moved to amend by making the time one o'clock and thirty minutes P. M.

Amendment lost, and the original motion adopted.

## REASSEMBLED.

The Senate reassembled at two o'clock P. M.

Hon. R. F. Del Valle, President pro tem., in the chair.

The roll was called, and the following Senators responded to their names:

Messrs. Chandler, Cox, Cross, Del Valle, Dudley, English, Filcher, Foster, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Speneer of Napa, Steele, Sullivan, Taylor, and Vrooman.

Quorum present.

## SPECIAL ORDER.

Senate Bill No. 10—An Act amending the Constitution.

On motion of Mr. McClure, action on this bill was deferred, and the bill made a special order for Tuesday, January thirtieth, eighteen hundred and eighty-three, at two o'clock P. M.

Carried.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

## ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, January 23, 1893.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 88, have had the same under consideration, and report the same back and recommend its passage.

PIERCE H. RYAN, Chairman.

## FIRST READING OF BILLS—(OUT OF ORDER).

Senate Bill No. 88—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878.

Read first time, and placed on file for second reading.

## RESOLUTIONS—(OUT OF ORDER).

By Mr. Filcher:

*Resolved*, That a committee of three be appointed by the President pro tem. to ascertain which of the Standing Committees of the Senate require a clerk, and report the result of their investigation to the Senate for action thereon.

Moved by Mr. Kellogg to lay on the table.

Roll-call demanded by Senators McClure, Vrooman, and Filcher.

Roll called with the following result:

AYES—Messrs. Cox, Cross, English, Fraser, Kelly of San Francisco, Kelley of Solano, Kellogg, McCarthy, Nelson, Reddy, Routier, Ryan, Speneer of Napa, Sullivan, and Taylor—15.



NOES—Messrs. Chandler, Del Valle, Dudley, Filcher, Foster, Harrigan, Lynch, McClure, Murphy, Perry, Reynolds, Steele, and Vrooman—13.

Carried.

MOTION TO EXCUSE COMMITTEE.

Mr. Ryan moved that the Committee on Commerce and Navigation be excused from attending the investigation of the Harbor Commissioners in San Francisco, on Wednesday, January twenty-fourth. Roll-call demanded by Senators Filcher, Spencer of Napa, and Lynch.

Roll called, with the following result :

AYES—Messrs. Chandler, Filcher, Kellogg, McCarthy, McClure, Nelson, Perry, Routier, Ryan, and Vrooman—10.

NOES—Messrs. Cox, Cross, Del Valle, Dudley, English, Foster, Harrigan, Johnson, Kelly of San Francisco, Lynch, Murphy, Reddy, Reynolds, Spencer of Napa, Steele, Sullivan, and Taylor—17.

Lost.

RESOLUTION—(OUT OF ORDER).

By Mr. Filcher:

*Resolved*, That the services of Enrolling Clerk of the Senate be dispensed with from and after this date.

Moved to refer to the Committee on Contingent Expenses and Mileage.

Lost.

The question recurring on the adoption of the resolution, the same was lost.

ADJOURNMENT.

At three o'clock, on motion of Senator Kelly of San Francisco, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,  
Wednesday, January 24, 1883. }

The Senate met pursuant to adjournment.

Hon. R. F. Del Valle, President pro tem., in the chair.

Roll called, and the following Senators answered to their names :

Messrs. Chandler, Cox, Cross, Del Valle, Dudley, English, Filcher, Foster, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Reddy, Reynolds, Spencer of Napa, Steele, Taylor, and Vrooman—18.

No quorum present.

CALL OF THE SENATE.

On motion of Mr. Filcher, a call of the Senate was demanded.

Roll called, and the following Senators answered to their names :

Messrs. Chandler, Cox, Cross, Del Valle, Dudley, English, Filcher, Foster, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Reddy, Reynolds, Spencer of Napa, Steele, Taylor, and Vrooman—18.

No quorum present.

The Sergeant-at-Arms was directed to bring in absent Senators not excused.

On return of the Sergeant-at-Arms, the roll was called, and the following Senators answered to their names:

Messrs. Chandler, Cox, Cross, Del Valle, Dudley, English, Filcher, Foster, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, McClure, Murphy, Perry, Reddy, Reynolds, Routier, Spencer of Napa, Steele, Sullivan, Taylor, and Vrooman—25.

Quorum present.

On motion of Mr. Cross, further proceedings under the call of the Senate were dispensed with.

On motion of Senator Reddy, the reading of the Journal was dispensed with, and the same approved.

## REPORTS OF STANDING COMMITTEES.

### ON MINES.

SENATE CHAMBER, SACRAMENTO, January 23, 1883.

MR. PRESIDENT: Your Committee on Mines, to whom was referred Senate Bill No. 67—An Act authorizing the transfer of the cabinet of minerals in the State Library to the State Mining Bureau—have had the same under consideration, and report the same back to the Senate, and recommend that the same do pass.

Also, Senate Bill No. 86—An Act to amend an Act entitled "An Act for the protection of miners," approved March 13, 1872—have had the same under consideration, and report the same back to the Senate with an amendment to the title thereof, and recommend that the same do pass.

W. W. KELLOGG, Chairman.

### ON SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, January 24, 1883.

MR. PRESIDENT: Your committee to whom was referred Senate Bill No. 57—An Act to amend sections three thousand four hundred and ninety-five and three thousand five hundred of the Political Code, relating to public lands of the State—have had the same under consideration, and report the same back and recommend its passage.

FREDERICK COX, Chairman.

### JUDICIARY COMMITTEE.

SENATE CHAMBER, SACRAMENTO, January 24, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration Senate Bill No. 43—Entitled "An Act to amend an Act entitled an Act to establish a Penal Code," approved February 14, 1872, relative to the punishment of the crime of assault with a deadly weapon with intent to produce great bodily injury, and now report the same back to the Senate, with the recommendation that it do not pass.

Also, Senate Bill No. 26—Entitled "An Act to amend section one hundred and sixty of an Act entitled an Act to establish a Code of Civil Procedure," approved March 11, 1872, in relation to authorizing Judges of Superior Courts to hold Courts in any county when requested by the Governor, and do now report the same back to the Senate, with the recommendation that it pass.

Also, Senate Bill No. 27—Entitled "An Act to amend section seventy-one of an Act entitled an Act to establish a Code of Civil Procedure," approved March 11, 1872, in relation to authorizing Judges of Superior Courts to hold Courts in any county when requested by the Judge thereof, or the Governor, and now report the same back to the Senate with an amendment thereto, and recommend its passage as amended.

Also, Senate Bill No. 28—Entitled "An Act to amend section number three hundred and twenty-four of an Act to establish a Civil Code," approved March 21, 1872, relating to corporations, and do now report the same back to the Senate, and recommend its passage.

Also, Senate Bill No. 35—Entitled "An Act to amend sections three hundred and twelve and

three hundred and fifteen of an Act entitled an Act to establish a Civil Code," approved March 21, 1872, relating to corporations, and do now report the same back to the Senate, and recommend its passage.

Also, Senate Bill No. 74—Entitled "An Act to amend an Act entitled an Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as and numbered section three thousand three hundred and forty-one (division fourth, part one, title two), relating to damages committed by dogs and other animals, to sheep, Angora goats, and Cashmere goats, and for the better protection of the same against the ravages of dogs and other animals, and do now report the same back to the Senate, and recommend its passage.

Also, Senate Bill No. 75—Entitled an Act to repeal an Act entitled "An Act to protect sheep and lambs in this State," approved May 18, 1861, and do now report the same back to the Senate, and recommend its passage.

Also, Senate Bill No. 76—Entitled an Act to repeal an Act entitled "An Act to protect sheep and Cashmere and Angora goats against the ravages of dogs," approved March 13, 1866, and do now report the same back to the Senate, and recommend its passage.

Also, Senate Bill No. 40—Entitled "An Act to amend section four hundred and ninety-six of the Penal Code," and do now report the same back to the Senate, with an amendment to the title, and recommend its passage as amended.

CROSS, Chairman.

#### ON EDUCATION.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 122—An Act to amend section one thousand six hundred and thirty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duty of School Census Marshals—having had the same under consideration, herewith respectfully report the same back, with the recommendation that it do pass.

Also, Senate Bill No. 104—An Act to provide for the compiling, illustrating, electrotyping, and copyrighting of a State series of text-books.

Also, Senate Bill No. 125—An Act to provide for a uniform system of text-books to be used in the public schools of the State of California.

Also, Senate Bill No. 126—An Act to provide for the printing and binding of text-books by the State Printer of the State of California after said books have been selected by the Board of Compilation.

Also, Senate Bill No. 127—An Act to provide for the free distribution of text-books required for use in the public schools of the State of California.

Have had the same under careful consideration, and, finding that they are in conflict with the provisions of section seven of article fourteen of the Constitution, herewith respectfully report them back, with the recommendation that they do not pass.

CLAY W. TAYLOR, Chairman.

#### INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Chandler: Senate Bill No. 170—An Act to amend section six hundred and twenty-six and to repeal section six hundred and twenty-seven of the Penal Code, relating to the destruction of game.

Referred to Committee on Fish and Game.

By Mr. Reddy: Senate Bill No. 171—An Act to amend section three thousand three hundred and thirty-six of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the measure of damages.

Referred to Judiciary Committee.

By Mr. Kelley of Solano: Senate Bill No. 172—An Act to amend section three thousand three hundred and eighty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to licenses.

Referred to Judiciary Committee.

Also, Senate Bill No. 173—An Act to amend section two hundred and seventy-six of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to attorneys and counselors at law.

Referred to Judiciary Committee.

Also, Senate Bill No. 174—An Act to amend section three thousand

three hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the imposing and collection of licenses.

Referred to Judiciary Committee.

By Mr. Spencer of Napa: Senate Bill No. 175—An Act to amend section one thousand five hundred and forty-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the lapsing of schools.

Referred to Committee on Education.

By Mr. Cross (by request): Senate Bill No. 176—An Act to regulate the practice of pharmacy.

Referred to Committee on Hospitals.

By Mr. Kelly of San Francisco: Senate Bill No. 177—An Act to regulate insurance companies.

Referred to Committee on Corporations.

By Mr. Vrooman: Senate Bill No. 178—An Act to amend section two hundred and forty-five of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the number and designation of officers and employes of the Senate.

Referred to Judiciary Committee.

#### FIRST READING OF BILLS.

Senate Bill No. 151—An Act making an appropriation for the support of the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty-three.

Read first time.

Mr. Johnson moved that this bill be declared a case of urgency, the rules suspended, and the bill read the second time.

Roll called with the following result:

AYES—Messrs. Chandler, Cross, Del Valle, English, Filcher, Foster, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Reddy, Reynolds, Routier, Spence of Napa, and Sullivan—15.

NOES—Messrs. Cox, Dudley, Kelley of Solano, McClure, Murphy, Perry, Steele, Taylor, and Vrooman—9.

Lost.

Placed on file for second reading.

Senate Bill No. 15—An Act to amend section three hundred and twenty-five of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the time of commencing actions for the recovery of real property.

First reading denied.

Senate Bill No. 17—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known and numbered as section one thousand four hundred and eight, relative to reducing the bonds of executors and administrators in case of certain deposits being made, and also relative to the custody and control of such deposits and the liability of depositaries.

Read first time and placed on file for second reading.

Senate Bill No. 48—An Act to amend section three hundred and fifty-nine of the Civil Code, in relation to corporations.

Read first time, title amended to read as follows: "An Act to amend section three hundred and fifty-nine of 'An Act to establish a Civil Code,' approved March 21, 1872, relating to powers of corporations," and placed on file for second reading.

Senate Bill No. 82—An Act to pay the salary of the Reporter of Decisions of the Supreme Court, for the period elapsing from January seventh to July first, eighteen hundred and eighty.

Read first time, amendments of the committee adopted, and placed on file for second reading.

Senate Bill No. 108—An Act to encourage the use of steam as a motive power on roads and highways, and granting a reward of fifty thousand dollars to any citizen who shall construct and operate a road engine capable of moving freight at a nominal cost.

First reading denied.

#### RESOLUTIONS.

By Mr. Kelley of Solano :

*Resolved*, That William Croning be and is hereby appointed Porter of the Lieutenant-Governor's and clerk's rooms of the Senate, at the same per diem as is paid the other Porters of the Senate.

Referred to Committee on Contingent Expenses and Mileage.

Mr. Fileher presented a table giving population, representative population, vote, ratio of representation, etc., of all the counties of the State of California, and moved that the State Printer be authorized to print three hundred and sixty copies of the same.

Carried.

#### ADJOURNMENT.

At eleven o'clock, Mr. Murphy moved to adjourn until twelve o'clock to-morrow, January twenty-fifth.

Mr. Cross moved to adjourn.

Motion to adjourn carried.

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#### IN SENATE.

SENATE CHAMBER, }  
Thursday, January 25, 1883. }

The Senate met pursuant to adjournment.

Hon. R. F. Del Valle, President pro tem., in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Chandler, Cox, Cross, Del Valle, Dudley, English, Filcher, Foster, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, McClure, Murphy, Perry, Reddy, Reynolds, Routier, Spence of Napa, Spence of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, and Wolfskill.

Quorum present.

Journal of yesterday read and approved.

#### PETITION.

By Mr. English: A petition from citizens of Contra Costa County, praying, first, for the non-repeal of the now existing game laws; second, against the adoption of any law or laws prohibiting night shooting.

Referred to Committee on Fish and Game.



## REPORTS OF STANDING COMMITTEES.

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 25, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration Senate Bill No. 13—Entitled "An Act to amend sections one thousand two hundred and two and one thousand two hundred and three of an Act entitled 'An Act to establish a Civil Code,' approved March 21, 1872, relating to actions for proving instruments and correcting defective certificates of acknowledgments"—heretofore recommitted to your committee with instructions, and now report the same back, amended as requested, and recommend its passage as amended.

Also, Senate Bill No. 69—Entitled "An Act to regulate the practice of medicine and surgery in the State of California"—and do now report the same back to the Senate, with the recommendation that it be referred to the Committee on Hospitals.

So referred.

Also, Senate Bill No. 22—Entitled "An Act to amend section six hundred and eighty-nine of an Act entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, relating to property claimed by a third party which has been levied upon under execution"—and do now report the same back to the Senate, with amendments thereto, and recommend its passage as amended.

Also, Senate Bill No. 29—Entitled "An Act to amend an Act entitled 'An Act to establish a Civil Code,' approved March 21, 1872, relating to succession"—and do now report the same back to the Senate, and recommend its passage.

Also, Senate Bill No. 30—Entitled "An Act to amend section one thousand three hundred and twenty-two of an Act entitled 'An Act to establish a Penal Code of the State of California,' approved February 14, 1872, to determine when husband and wife may testify against each other in criminal cases"—and do now report the same back to the Senate, and recommend its passage.

Also, Senate Bill No. 9—Entitled "An Act to amend the Code of Civil Procedure of the State of California, by adding a new section thereto, relating to actions against the State"—and do now report the same back to the Senate, and recommend that it do not pass.

Also, Senate Bill No. 4—Entitled "An Act to repeal sections six hundred and thirty-three and six hundred and thirty-four of an Act entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872"—and do now report the same back to the Senate, and recommend that it do not pass.

Also, Senate Bill No. 85—Entitled "An Act to protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence on conviction of a misdemeanor"—and do now report the same back to the Senate, and recommend its passage.

CROSS, Chairman.

## ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, January 24, 1883.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Concurrent Resolution No. 7, and that the same has been placed in the hands of the Governor.

HARRIGAN, Chairman.

## INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Filcher: Senate Bill No. 179—An Act to regulate and control the sale, rental, and distribution of appropriated water in this State, other than in any city, city and county, or town therein, and to secure rights of way for the conveyance of such water to the places of use.

Referred to Committee on Irrigation, Water Rights, Drainage, and Mining Debris.

Also, Senate Bill No. 180—An Act to authorize the levy and collection of business licenses, and to punish a failure to procure the same.

Referred to Judiciary Committee.

By Mr. Harrigan: Senate Bill No. 181—An Act to amend sections

six hundred and twenty-six, six hundred and thirty-one, six hundred and thirty-two, six hundred and thirty-four, and six hundred and thirty-six, and to repeal sections six hundred and twenty-seven, six hundred and twenty-eight, and six hundred and twenty-nine of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the preservation of game and fish.

Referred to Committee on Fish and Game.

Also, Senate Bill No. 182—An Act to amend an Act entitled "An Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California," approved March 23, 1876.

Referred to Committee on Fish and Game.

Also, Senate Bill No. 183—An Act to amend section four thousand and forty-six of the Political Code of California.

Referred to Committee on Fish and Game.

Also, Senate Bill No. 184—An Act in relation to pawnbrokers and pledgees.

Referred to Judiciary Committee.

By Mr. Vrooman: Senate Bill No. 185—An Act to provide for the classification of municipal corporations.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Spencer of Napa: Senate Bill No. 186—An Act to amend section three hundred and eighty-eight of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to satisfaction of judgment against and sale of franchises owned by corporations, associations, or other persons.

Referred to Judiciary Committee.

#### FIRST READING OF BILLS.

Senate Bill No. 26—An Act to amend section one hundred and sixty of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, in relation to authorizing Judges of Superior Courts to hold Courts in any county when requested by the Governor.

Read first time, and placed on file for second reading.

Senate Bill No. 27—An Act to amend section seven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, in relation to authorizing Judges of Superior Courts to hold Court in any county, when requested by the Judge thereof or the Governor.

Read first time, amendment by the committee adopted, and placed on file for second reading.

Senate Bill No. 28—An Act to amend section three hundred and twenty-four of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to corporations.

Read first time, and placed on file for second reading.

Senate Bill No. 35—An Act to amend sections three hundred and twelve and three hundred and fifteen of an Act to establish a Civil Code, approved March 21, 1872, relating to corporations.

Read first time, and placed on file for second reading.

Senate Bill No. 40—An Act to amend section four hundred and ninety-six of the Penal Code.

Withdrawn by the committee for further consideration.

Senate Bill No. 43—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the punishment of the crime of assault with a deadly weapon with intent to produce great bodily injury.

First reading refused.

Senate Bill No. 74—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as and numbered section three thousand three hundred and forty-one (division four, part one, title two), relating to damages committed by dogs and other animals to sheep, Angora goats, and Cashmere goats, and for the better protection of the same against the ravages of dogs and other animals.

Read first time, and placed on file for second reading.

Senate Bill No. 75—An Act to repeal an Act entitled "An Act to protect sheep and lambs in this State," approved May 18, 1861.

Read first time, and placed on file for second reading.

Senate Bill No. 76—An Act to repeal an Act entitled "An Act to protect Cashmere and Angora goats against the ravages of dogs," approved March 13, 1866.

Read first time, and placed on file for second reading.

Senate Bill No. 57—An Act to amend sections three thousand four hundred and ninety-five and three thousand five hundred of the Political Code, relating to public lands of the State.

Read first time, and placed on file for second reading.

Senate Bill No. 67—An Act authorizing the transfer of the cabinet of minerals in the State Library to the State Mining Bureau.

Read first time, and placed on file for second reading.

Senate Bill No. 86—An Act to amend an Act entitled "An Act for the protection of miners," approved March 13, 1872.

Read first time, title amended so as to read "March 16" instead of "March 13," and placed on file for second reading.

Senate Bills Nos. 104, 125, 126, and 127 passed on file for one day.

Senate Bill No. 122—An Act to amend section one thousand six hundred and thirty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duty of School Census Marshals.

Read first time, and placed on file for second reading.

## SECOND READING OF BILLS.

Senate Bill No. 2—An Act to prevent the spreading of fruit and fruit tree pests and diseases, and to provide for their extirpation.

Read second time.

Section six amended, by inserting between the words "or" and "corporation," in line one, the following words: "any agent or employé of any," and ordered engrossed.

Senate Bill No. 3—An Act to establish a State Board of Horticulture, and appropriate moneys for the expenses thereof.

Read second time, and ordered engrossed.

Senate Bill No. 106—An Act to amend section six hundred and thirteen of the Civil Code of the State of California, relating to cemetery corporations.

Read second time, and ordered engrossed.

Senate Bill No. 88—An Act to amend an Act entitled "An Act

creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878.

Read second time, and ordered engrossed.

Assembly Bill No. 151—An Act making an appropriation for the support of the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty-three.

Read second time, and placed on file for third reading.

Senate Bill No. 17—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known and numbered as section one thousand four hundred and eight, relative to reducing the bonds of executors and administrators in case of certain deposits being made, and also relative to the custody and control of such deposits and the liability of depositaries.

Read second time.

Pending debate on the question of ordering this bill engrossed, the hour of recess arrived.

#### REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

Hon. R. F. Del Valle, President pro tem., in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Chandler, Cox, Cross, Del Valle, Dudley, English, Filcher, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Langford, McClure, Murphy, Perry, Reddy, Reynolds, Spence of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, and Wolfskill.

Quorum present.

#### SECOND READING OF BILLS.

On motion of Mr. Reddy, Senate Bill No. 17 was recommitted to the Judiciary Committee.

Senate Bill No. 48—An Act to amend section three hundred and fifty-nine of the Civil Code, in relation to corporations.

On motion of Mr. Vrooman, this bill was placed at the head of the file for second reading on Friday, January sixth, eighteen hundred and eighty-three.

Senate Bill No. 82—An Act to pay the salary of the Reporter of Decisions of the Supreme Court, for the period elapsing from January seventh to July first, eighteen hundred and eighty.

Read second time and ordered engrossed.

#### NOTICES, RESOLUTIONS, ETC.

By Mr. Johnson:

MR. PRESIDENT: I now give notice that on to-morrow I will move for a change in Rule Eleven of the Senate, so as to read as follows:

"Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment, and when adopted shall take the place of the original bill or resolution, and shall be open to amendment. No amendment or substitute, by committee or otherwise, shall be in order on the first reading of the bill."

By Mr. Perry: A memorial from the Encampment of the Grand Army of the Republic, relating to the Veterans' Home.

Referred to Committee on Public Buildings.

By Mr. Filcher:



*Resolved*, That the Sergeant-at-Arms be and he is hereby authorized and directed to deliver to the State Librarian, twenty copies of the Standing Rules of the Senate of the twenty-fifth session of the Legislature of California, to be kept for the use of members of the twenty-sixth session.

Adopted.

By Mr. Steele: A petition from the citizens of Santa Barbara, relating to a new county, to be formed from the territory of said county.

Referred to Committee on Counties, County Governments, and Township Organization.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Mr. Steele (by request): Senate Bill No. 187—An Act to create the County of Los Alamos, to define the boundaries thereof, to determine the county seat by an election, and to provide for its organization and funds for its support, by the issue of bonds or otherwise.

Referred to Committee on Counties, County Governments, and Township Organization.

By Committee on Education: Senate Bill No. 188—An Act to repeal an Act entitled "An Act to authorize the State Board of Examiners to invest the moneys derived from State school lands in the bonds of the several counties of this State," approved February 2, 1872.

Placed on file for first reading.

Also, Senate Bill No. 189—An Act to amend sections six hundred and eighty and six hundred and eighty-two, and to repeal section six hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the investment of the proceeds of the sale of State school lands.

Placed on file for first reading.

By Mr. Kellogg: Senate Bill No. 190—An Act to amend section three thousand and fifty-one of the Civil Code, relating to liens, and to provide for the manner of collecting and discharging such liens on certain personal property.

Referred to Judiciary Committee.

By Mr. Foster: Senate Bill No. 191—An Act to prevent the adulteration of milk and to create the office of Milk Inspector in the several counties of the State.

Referred to Committee on Agriculture.

Also, Senate Bill No. 192—An Act to amend section six hundred and thirty-one of an Act entitled "An Act to establish a Penal Code," approved March 12, 1872, relating to the preservation of wild game.

Referred to Committee on Fish and Game.

Also, Senate Bill No. 193—An Act to amend section three thousand eight hundred and fifty-four of the Political Code, relating to the date of return of poll tax receipts by the Assessor.

Referred to Judiciary Committee.

#### RESOLUTIONS.

By Mr. Spencer of Napa:

*Resolved*, That the State Printer is hereby authorized and directed to print for the use of the



Senate two hundred and fifty (250) copies, in addition to the number prescribed by the Rules, of Senate Bill No. 134, entitled An Act to establish a system of county governments, etc.

Adopted.

Also:

*Resolved by the Senate, the Assembly concurring,* That the committees of the Senate and Assembly on Counties, County Governments, and Township Organization, be and are hereby authorized and directed to hold joint meetings, and to agree upon a bill or bills providing for a system of county and township government, and to report to the Senate and Assembly, at as early a day as possible, the result of their deliberations.

Adopted.

Mr. Spencer of Napa moved that the Committee on Contingent Expenses and Mileage be requested to report to-morrow afternoon their action upon the resolution appropriating five hundred (\$500) dollars for postage for the use of the Senate.

Carried.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

By Mr. Cross: Senate Bill No. 194—An Act to amend section four hundred and seventy-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the annual salary of Deputy Attorney-General.

Referred to Judiciary Committee.

Also, Senate Bill No. 195—An Act to amend section three hundred and forty-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the number and designation of civil executive officers.

Referred to Judiciary Committee.

Also, Senate Bill No. 196—An Act to provide for the purchase of certain portraits by the State Board of Examiners, and to appropriate money therefor.

Referred to Committee on Finance.

#### ADJOURNMENT.

At two o'clock and thirty minutes P. M., Mr. Murphy moved to adjourn to eleven o'clock to-morrow.

Lost.

Mr. Murphy then moved to make the hour two o'clock P. M.

A rising vote showed twelve ayes and eight noes.

The Chair ruled that the motion was a suspension of the rules, requiring a two-thirds vote, and declared the motion lost.

A motion to adjourn was carried.

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#### IN SENATE.

SENATE CHAMBER,  
Friday, January 26, 1883. }

The Senate met pursuant to adjournment.

Hon. R. F. Del Valle, President pro tem., in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, English, Filcher, Fraser, Harrigan, Johnson, Keating, Kelley of Solano, Kellogg, Knight, Langford, McClure, Murphy, Reynolds, Spencer of Napa, Steele, Sullivan, Taylor, Vrooman, Wallis, and Wolfskill.

Quorum present.

Journal of yesterday read and approved.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Kellogg:

*Resolved*, That the Committee on Elections be and it is hereby authorized to have the points and authorities submitted by the attorneys for the respective parties in the contested election case of Brooks vs. Steelo printed by the State Printer.

Adopted.

#### REPORTS OF STANDING COMMITTEES.

##### ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, January 26, 1883.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred Senate Bills Nos. 2, 3, 82, 88, and 106, have examined the same and find them properly engrossed.

NELSON, Chairman.

##### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 26, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration Senate Bill No. 70—Entitled "An Act to amend section one thousand three hundred and three of 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, relative to fixing days for hearing petitions for probate of wills, and relative to giving notice of such hearing"—and do now report the same back to the Senate, and recommend its passage.

Also, Senate Bill No. 81—Entitled "An Act to amend an Act entitled 'An Act to establish a Penal Code,' approved February 14, 1872, by adding a new section thereto, to be known as section seven hundred and fifteen, relating to security to keep the peace, undertakings therefor, and discharge from imprisonment"—and do now report the same back to the Senate, and recommend its passage.

Also, Senate Bill No. 46—Entitled "An Act to amend sections one hundred and four, one hundred and five, and one hundred and six of the Code of Civil Procedure, relating to Justices of the Peace and Justices' Courts"—and do now report the same back to the Senate, with amendments thereto, and recommend its passage as amended.

Also, Senate Bill No. 138—Entitled "An Act to amend section one hundred and fifteen of the Act entitled 'An Act to establish a Code of Civil Procedure,' relating to the jurisdiction of Justices' Courts"—and do now report the same back to the Senate, and recommend that it do not pass.

Also, Senate Bill No. 24—Entitled "An Act in relation to the proof of the incorporation of foreign corporations"—and do now report the same back to the Senate, with an amendment to the title thereof, and recommend its passage as amended.

Also, Senate Bill No. 25—Entitled "An Act to amend an Act entitled 'An Act to establish a Penal Code,' approved February 14, 1872, by adding a new section thereto, to be known as section four hundred and forty-four, making non-compliance with the requirements of section two of article thirteen of the Constitution a felony"—and do now report the same back to the Senate, with amendments thereto, and recommend its passage as amended.

Also, Senate Bill No. 32—Entitled "An Act to amend section ten hundred and forty-two of an Act to establish a Penal Code of the State of California," approved April 14, 1872, relating to trials by jury—and do now report the same back to the Senate, and recommend its passage.

Also, Senate Bill No. 73—Entitled "An Act to amend the Penal Code," and to add a new section thereto in regard to gambling—and do now report the same back to the Senate, and recommend that it do not pass.

CROSS, Chairman.

#### MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, January 25, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January twenty-fourth, eighteen hundred and eighty-three, concurred in Senate Concurrent Resolution No. 9, in relation to furnishing copies of all laws passed at this session of the Legislature to the Supreme and Superior Courts of the State.

Referred to Committee on Enrollment.

Also, that the Assembly, on January twenty-fifth, eighteen hundred and eighty-three, concurred in Senate Concurrent Resolution No. 10, relative to joint meetings of Senate and Assembly Committees on Counties, County Governments, and Township Organization.

Also, passed Assembly Bill No. 23—An Act to supply and correct omissions of Boards of Supervisors in carrying out the provisions of sections four thousand one hundred and six and four thousand one hundred and seven of the Political Code of the State of California, concerning elections.

Referred to Committee on Counties, County Governments, and Township Organization.

Also, passed Substitute for Assembly Bill No. 39—An Act to amend section five hundred and five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to street railroad corporations.

Referred to Committee on Corporations.

Also, passed Assembly Bill No. 49—An Act to amend section one thousand three hundred and sixty of the Civil Code, and prescribe the order in which the property of a testator must be resorted to for the payment of legacies.

Referred to Judiciary Committee.

Also, passed Assembly Bill No. 54—An Act to amend section one thousand one hundred and two of the Code of Civil Procedure, and define the writ of prohibition.

Referred to Judiciary Committee.

Also, passed Assembly Bill No. 60—An Act to amend section four hundred and eighty-seven of the Penal Code of the State of California, in relation to the larceny of certain animals.

Referred to Judiciary Committee.

Also, passed Assembly Bill No. 61—An Act to amend section eight hundred and ninety of the Code of Civil Procedure, and provide that in certain cases judgment of dismissal may be entered in actions in Justices' Courts.

Referred to Judiciary Committee.

Also, passed Assembly Bill No. 81—An Act to amend section two thousand two hundred and nine of the Civil Code, in relation to damages awarded when telegraph messages are refused or postponed.

Also, passed Assembly Bill No. 82—An Act to pay the claim of James Saultry.

M. C. HALEY, Chief Clerk.

By G. W. HERBERT, Assistant Clerk.

Referred to Committee on Claims.

#### INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Kelley of Solano: Senate Bill No. 197—An Act to amend sections six hundred and thirty-four and six hundred and thirty-six of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to taking fish from the waters of this State.

Referred to Committee on Fish and Game.

Also, Senate Bill No. 198—An Act to divide the State of California into Congressional Districts, and to provide for the election of Congressmen therein.

Referred to Committee on Apportionment and Representation.

Also, Senate Bill No. 199—An Act to amend sections three hundred and ninety-two, three hundred and ninety-three, three hundred and ninety-four, three hundred and ninety-five, three hundred and ninety-six, three hundred and ninety-seven, and three hundred and ninety-eight of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the venue in civil cases.

Referred to Judiciary Committee.

By Mr. Knight: Senate Bill No. 200—An Act to provide for the formation of new counties.

Referred to Committee on Counties, County Governments, and Township Organization.

Also, Senate Bill No. 201—An Act to exempt volunteer firemen from the payment of road poll tax within incorporated cities and towns.

Referred to Committee on City, City and County, and Town Governments.

By Mr. English: Senate Bill No. 202—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1878.

Referred to Committee on Corporations.

By Mr. Baldwin: Senate Bill No. 203—An Act to amend section one thousand and seventy of the Penal Code of California, relating to challenge of jurors in criminal cases.

Referred to Judiciary Committee.

By Mr. Cross: Senate Bill No. 204—An Act to amend section four hundred and ninety-six of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the punishment of receivers of stolen property.

Referred to Judiciary Committee.

By Mr. Fraser: Senate Bill No. 205—An Act to amend section eight hundred and forty-one of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to division fences.

Referred to Committee on Agriculture.

#### FIRST READING OF BILLS.

On motion of Mr. Sullivan, Senate Bills Nos. 104, 125, 126, and 127 were referred to the Judiciary Committee, with instructions to report on their constitutionality.

Senate Bill No. 4—An Act to repeal sections six hundred and thirty-three and six hundred and thirty-four of "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

First reading refused.

Senate Bill No. 9—An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, relating to actions against the State.

First reading refused.

Senate Bill No. 22—An Act to amend section six hundred and eighty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to property claimed by a third party, which has been levied on under execution.

Read first time, amendments of the committee adopted, and placed on file for second reading.

Senate Bill No. 29—An Act to amend section one thousand four



hundred and five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to succession.

Read first time, and placed on file for second reading.

Senate Bill No. 30—An Act to amend section thirteen hundred and twenty-two of an Act entitled "An Act to establish a Penal Code of the State of California," approved February 14, 1872, to determine when husband and wife may testify against each other in criminal cases.

Read first time, and placed on file for second reading.

Senate Bill No. 85—An Act to protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence on conviction of a misdemeanor.

Read first time, and placed on file for second reading.

#### SECOND READING OF BILLS.

Senate Bill No. 48—An Act to amend section three hundred and fifty-nine of the Civil Code in relation to corporations.

Read second time, and ordered engrossed.

Senate Bill No. 26—An Act to amend section one hundred and sixty of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, in relation to authorizing Judges of Superior Courts to hold Courts in any county when requested by the Governor.

Read second time, and ordered engrossed.

Senate Bill No. 27—An Act to amend section seven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, in relation to authorizing Judges of Superior Courts to hold Court in any county when requested by the Judge thereof or the Governor.

Read second time, and ordered engrossed.

Senate Bill No. 28—An Act to amend section three hundred and twenty-four of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to corporations.

Read second time, and ordered engrossed.

Senate Bill No. 35—An Act to amend sections three hundred and twelve and three hundred and fifteen of an Act to establish a Civil Code, approved March 21, 1872, relating to corporations.

Read second time, and ordered engrossed.

Senate Bill No. 74—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as and numbered section three thousand three hundred and forty-one (division four, part one, title two), relating to damages committed by dogs and other animals to sheep, Angora goats, and Cashmere goats, and for the better protection of the same against the ravages of dogs and other animals.

Read second time, and ordered engrossed.

Senate Bill No. 75—An Act to repeal an Act entitled "An Act to protect sheep and lambs in this State," approved May 18, 1861.

Read second time, and ordered engrossed.

Senate Bill No. 76—An Act to repeal an Act entitled "An Act to protect Cashmere and Angora goats against the ravages of dogs," approved March 13, 1866.

Read second time, and ordered engrossed.

Senate Bill No. 57—An Act to amend sections three thousand four



hundred and ninety-five and three thousand five hundred of the Political Code, relating to public lands of the State.

Read second time.

After debate, the ayes and noes were called for on the question of engrossment.

The roll was called with the following result:

AYES—Messrs. Chandler, Cox, Cronan, Cross, Del Valle, English, Harrigan, Kelley of Solano, Reynolds, Spencer of Napa, Taylor, and Vrooman—12.

NOES—Messrs. Baldwin, Filcher, Fraser, Johnson, Kellogg, Knight, McClure, Murphy, Steele, Wallis, and Wolfskill—11.

So ordered.

Senate Bill No. 67—An Act authorizing the transfer of the cabinet of minerals in the State Library to the State Mining Bureau.

Read second time.

Senator Murphy in the chair.

After debate, roll-call was demanded on the question of engrossment.

Roll called.

Before the announcement of the vote, Senator Del Valle changed his vote from aye to no, and gave notice of a motion to reconsider the vote on the following day.

Result announced as follows:

AYES—Messrs. Cross, English, Filcher, Harrigan, Kellogg, Langford, Murphy, Sullivan, and Vrooman—9.

NOES—Messrs. Baldwin, Chandler, Cox, Cronan, Del Valle, Fraser, Johnson, Kelley of Solano, McClure, Reynolds, Steele, Taylor, Wallis, and Wolfskill—14.

Senate Bill No. 86—An Act to amend an Act entitled "An Act for the protection of miners," approved March 13, 1872.

Read second time.

Section five—"This Act shall take effect and be in force from and after its passage."

On motion of Mr. Cross this was struck out, and the bill ordered engrossed as amended.

The President pro tem. in the chair.

Senate Bill No. 122—An Act to amend section one thousand six hundred and thirty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duty of School Census Marshals.

Read second time, and ordered engrossed.

Recess.

#### REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

Mr. Del Valle, President pro tem., in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, English, Filcher, Fraser, Harrigan, Johnson, Keating, Kelley of Solano, Kellogg, Knight, Langford, Maddox, McClure, Murphy, Reynolds, Spencer of Napa, Steele, Sullivan, Taylor, Vrooman, Wallis, and Wolfskill.

Quorum present.

## SECOND READING OF BILLS.

Senate Bill No. 13—An Act to amend sections one thousand two hundred and two and one thousand two hundred and three of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to actions for proving instruments and correcting defective certificates of acknowledgments.

Read second time.

Section one amended by adding on line six at the end of the section, after the word "certificate," the words "including the certificates of acknowledgments of married women," and the bill ordered engrossed.

## RESOLUTIONS.

In response to the resolution of Mr. Spenceer of Napa, offered on the preceding day, the Committee on Contingent Expenses and Mileage made report as follows :

SENATE CHAMBER, SACRAMENTO, January 26, 1883.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage report back the following resolution without recommendation :

*Resolved*, That the Secretary of State be and he is hereby authorized to furnish the Senators with postage stamps, the amount so furnished to be charged to and form part of the contingent expenses of each Senator; *provided*, that the amount furnished for stationery and stamps shall not exceed twenty-five dollars. And it is further

*Resolved*, That the Controller of State be and he is hereby authorized to draw his warrant in favor of the Secretary of State for five hundred dollars for the purchase of such stamps, said sum to be charged to the Contingent Fund of the Senate, and to be paid out of moneys of the General Fund not otherwise appropriated.

C. H. MADDOX, Chairman.

On motion, the resolution was brought before the Senate for action. Mr. Fraser offered the following substitute :

*Resolved*, That each member be allowed the sum of twenty-five dollars for contingent expenses, payable out of the fund for the contingent expenses of the Senate.

Mr. McClure moved that the matter be indefinitely postponed.

Lost.

The question recurring on the substitute by Mr. Fraser, the ayes and noes were called, with the following result :

AYES—Messrs. Chandler, Cronan, Cross, Langford, Maddox, McClure, Murphy, Reynolds, Vrooman, and Wallis—10.

NOES—Messrs. Baldwin, Cox, Del Valle, English, Fileher, Fraser, Harrigan, Keating, Kelley of Solano, Kellogg, Knight, Spencer of Napa, Steele, Sullivan, Taylor, and Wolfskill—16.

Lost.

The ayes and noes were called on the original motion, with the following result :

AYES—Messrs. Baldwin, Chandler, Cox, Del Valle, English, Fileher, Harrigan, Keating, Kelley of Solano, Kellogg, Spencer of Napa, Steele, Sullivan, Taylor, and Wolfskill—15.

NOES—Messrs. Cronan, Cross, Fraser, Knight, Langford, Maddox, McClure, Murphy, Reynolds, Vrooman, and Wallis—11.

Carried.

By Mr. Kellogg :

*Resolved*, That the regularly accredited reporters of the press, occupying seats on the floor, are hereby authorized to make requisition upon the Secretary of State for such stationery as

they may need in the prosecution of their business, the same not to exceed ten dollars each for the session, to be paid out of the appropriation for the contingent expenses of the Senate.

Mr. McClure moved to amend by inserting twenty-five dollars instead of ten dollars.

Amendment lost.

Roll-call demanded on the original resolution, with the following result:

AYES—Messrs. Cross, Del Valle, Filcher, Harrigan, Johnson, Keating, Kellogg, Maddox, McClure, Murphy, Steele, Sullivan, Taylor, and Wallis—14.

NOES—Messrs. Baldwin, Chandler, Cox, Cronan, English, Fraser, Kelley of Solano, Knight, Langford, Reynolds, Spencer of Napa, Vrooman, and Wolfskill—15.

Lost.

The amendment to Rule Eleven, proposed by Mr. Johnson, referred to Committee on Rules.

By Mr. Sullivan:

*Resolved*, That the Secretary of State is hereby authorized and directed to have printed, for the use of the Senate Committee on Apportionment, two hundred copies of a map of California, which shall show the position of each county, its population in the year eighteen hundred and eighty, and the vote for Presidential electors in that year. Said maps to be similar to that furnished by the Secretary of State two years ago.

Adopted.

#### INTRODUCTION OF BILLS—(OUT OF ORDER.)

The following bills were introduced, read by title, and referred to committees:

By Mr. Langford: Senate Bill No. 206—An Act for the further promotion and protection of the viticultural industries of the State.

Referred to Committee on Agriculture.

By Mr. Vrooman: Senate Bill No. 207—An Act to divide the State into Congressional Districts.

Referred to Committee on Apportionment.

By Mr. Taylor: Senate Bill No. 208—An Act to amend section two thousand three hundred and forty-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, declaring certain streams and waters public ways.

Referred to Committee on Commerce and Navigation.

#### REPORT OF COMMITTEE—(OUT OF ORDER.)

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 1, report the same back, with recommendation that it do pass.

BALDWIN, Chairman.

Senate Joint Resolution No. 1—A Joint Resolution asking Congressional action on behalf of the University of California.

Read, and passed by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, English, Filcher, Harrigan, Johnson, Keating, Kelley of Solano, Langford, Murphy, Reynolds, Steele, Sullivan, Taylor, Vrooman, Wallis, and Wolfskill—21.

NOES—None.

#### RESOLUTIONS—(OUT OF ORDER.)

By Mr. Knight: Senate Concurrent Resolution No. 11—Relative to requesting our Senators and Representatives in Congress to use their

influence in favor of the enactment of a law authorizing the State of California to purchase certain lands from the United States.

Read by title, and referred to the Committee on Federal Relations.  
By Mr. Cross:

*Resolved*, That the President of the Senate is authorized to employ a clerk, at a per diem to be fixed by the Senate, and paid out of the contingent expenses of the Senate.

Adopted.

Mr. Knight asked for leave of absence for the Hospital Committee for three days next week.

Granted.

Leave of absence granted to Senator English until Tuesday.

#### ADJOURNMENT.

At three o'clock and twenty minutes p. m., on motion of Senator Murphy, the Senate adjourned until two o'clock p. m. Monday, January twenty-ninth, eighteen hundred and eighty-three.

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#### IN SENATE.

SENATE CHAMBER,  
Monday, January 29, 1883. }

The Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Cox, Cronan, Cross, Del Valle, Dudley, English, Fileher, Fraser, Keating, Kelley of Solano, Kellogg, Lyneh, Maddox, McClure, Murphy, Perry, Reynolds, Ryan, Spencer of Napa, Steele, Vrooman, Wallis, and Whitney.

Quorum present.

Journal of Friday read and approved.

Leave of absence for one day granted to Senators Taylor, Chandler, and Sullivan.

#### CORRECTION.

On motion of Mr. Cross, and at the request of ex-Lieutenant-Governor Mansfield, the Journal of the first day of the session, Monday, January eighth, eighteen hundred and eighty-three, was amended by striking out the announcement made by the President at the opening, and inserting in lieu thereof, the following:

"This being the time designated in the Constitution for the meeting of the Legislature, the Senate will come to order. The Secretary will call the roll of Senators returned by the Secretary of State as elected."

Mr. Del Valle moved for the reconsideration of the vote by which Senate Bill No. 67 was refused engrossment.

Mr. Cox moved to lay the question on the table.

Lost.

On motion of Mr. Cox, the question was made a special order for Thursday, February first, at two o'clock P. M.

#### PETITIONS.

By Mr. Steele: A petition asking for appropriations for the College of Agriculture.

Referred to Committee on Agriculture.

#### REPORTS OF STANDING COMMITTEES.

##### ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, January 29, 1883.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred Senate Bills Nos. 9, 10, 13, 24, 26, 27, 28, 35, 48, 75, 76, 86, and 122, have examined the same, and find them properly engrossed.

NELSON, Chairman.

##### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, January 29, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration Senate Bill No. 34—Entitled "An Act to amend 'An Act to establish a Civil Code,' approved March 21, 1872, relating to void and illegal marriages"—and do now report the same back to the Senate, and recommend its passage.

Also, Senate Bill No. 39—Entitled "An Act to amend section twelve hundred and seventy-four of the Penal Code, relative to approval of bail bonds"—and do now report the same back to the Senate, and recommend that it do not pass.

Also, Senate Bill No. 78—Entitled "An Act to provide for the payment of jurors in criminal cases in Superior Courts"—and do now report the same back to the Senate, and recommend that it do not pass.

Also, Senate Bill No. 83—Entitled "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, and to add a new section thereto, relating to the commencement of actions upon any claim or demand before a Justice of the Peace with whom such claim or demand has been previously left for collection, or who has been consulted thereon"—and do now report the same back to the Senate, with an amendment thereto, and recommend its passage as amended.

Also, Senate Bill No. 95—Entitled "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, relative to undertakings on attachment"—and do now report the same back to the Senate, with the recommendation that it do not pass.

Also, Senate Bill No. 96—Entitled "An Act to amend sections three hundred and twelve and three hundred and fifteen of an Act entitled 'An Act to establish a Civil Code,' approved March 21, 1872, relating to the election of directors of corporations"—and do now report the same back to the Senate, with the recommendation that it do not pass.

Also, Senate Bill No. 97—Entitled "An Act to amend section four hundred and forty-two of an Act entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, relating to the filing and service of cross complaints"—and do now report the same back to the Senate, with the recommendation that it do not pass.

Also, Senate Bill No. 100—Entitled "An Act to amend section one thousand six hundred and sixty-six of 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, relative to settlement of estates of deceased persons"—and do now report the same back to the Senate, and recommend that it do pass.

Also, Assembly Concurrent Resolutions Nos. 6, 13, 15, and 16—and do now report the same back, and recommend that they be referred to the Committee on Federal Relations.

CROSS, Chairman.

Assembly Concurrent Resolutions No.'s 6, 13, 15, and 16, referred to Committee on Federal Relations.

##### ON RULES.

MR. PRESIDENT: Your Committee on Rules report the following amendment to Rule Eleven, and recommend its adoption:

"Substitutes may be offered at any time when a bill or resolution is open to amendment pre-



vicious to engrossment, and when adopted shall take the place of the original bill or resolution, and shall be open to amendment.

"No amendment or substitute, by committee or otherwise, shall be in order on the first reading of the bill."

B. F. LANGFORD, Chairman.

Report adopted.

#### ON SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, January 29, 1883.

MR. PRESIDENT: Your committee, to whom was referred Senate Bill No. 119, have had the same under consideration, and report the same back to the Senate, and recommend that it be referred to the Judiciary Committee, that they may decide upon the constitutionality of the bill, and report the same back to the Senate on Wednesday, January thirty-first, eighteen hundred and eighty-three.

FRED'K COX, Chairman.

So referred.

#### INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. English: Senate Bill No. 209—An Act to amend sections three thousand five hundred and seventy-three and three thousand five hundred and seventy-four of the Civil Code, in relation to holidays.

Referred to Judiciary Committee.

By Mr. Vrooman: Senate Bill No. 210—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to title sixteen, of part one, to be numbered section six hundred and seventy-nine, relating to punishments.

Referred to Judiciary Committee.

By Mr. Maddox: Senate Bill No. 211—An Act fixing jurisdiction and providing compensation for Justices of the Peace in cities and towns.

Referred to Judiciary Committee.

Also, Senate Bill No. 212—An Act for the relief of John W. Metcalf and George McLellan.

Referred to Committee on Claims.

By Mr. Perry: Senate Bill No. 213—An Act to amend section one of an Act entitled "An Act to define, regulate, and govern the State Prisons of California."

Referred to Committee on State Prisons.

By Mr. Cronan: Senate Bill No. 214—An Act to authorize the Governor of the State of California to reconvey to the United States a part of the lands heretofore granted the State of California by Act of Congress of July 2, 1862, and listed to the State of California under the Agricultural College grant of one hundred and fifty thousand acres.

Referred to Committee on Federal Relations.

Also, Senate Bill No. 215—An Act to prohibit gas and water companies from charging consumers for pipes communicating with supply pipes on street mains, and the line of the street or sidewalk curb fronting the premises to be supplied, and there making connection with the pipes of the consumers.

Referred to Committee on Corporations.

Also, Senate Bill No. 216—An Act to pay the claim of P. J. O'Connor for services as architect in the measurement of and the classification of the work done in the erection of the buildings for the Napa State Asylum for the Insane.

Referred to Committee on Claims.

By Mr. Speneer of Napa: Senate Bill No. 217—An Act to establish a uniform system of county governments, and for that purpose to repeal title two, part four, of an Act entitled an Act to establish a Political Code, approved March 12, 1872, and substitute a new title two of said part four therefor.

Referred to Committee on Counties, County Governments, and Township Organization.

By Mr. Kelley of Solano: Senate Bill No. 218—An Act to add two new sections to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to foreign corporations, said sections to be known as sections four hundred and four and four hundred and five of said Code.

Referred to Judiciary Committee.

Also, Senate Bill No. 219—An Act to add two new sections to an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, to be known as sections five hundred and sixty and five hundred and sixty-one, relative to procedure in actions against non-residents.

Referred to Judiciary Committee.

By Mr. Lynch: Senate Bill No. 220—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, to repeal section two thousand five hundred and thirty-four of said Code, and to add a new section thereto, to be known as section two thousand five hundred and fifty-four, and to repeal certain sections of an Act approved March 17, 1880, entitled "An Act to amend section six of an Act entitled 'An Act concerning the water front of the City and County of San Francisco, approved March 15, 1878, and to confer further powers on the Board of State Harbor Commissioners,'" all of said sections relating to the Board of State Harbor Commissioners, their powers and duties.

Referred to Committee on Commerce and Navigation.

By Mr. Cross: Senate Bill No. 221—An Act to amend section four hundred and twenty-seven of the Civil Code, to provide for the investment of capital and accumulations of corporations organized under the laws of this State, for the transaction of business in any kind of insurance.

Referred to Judiciary Committee.

Also, Senate Bill No. 222—An Act to amend section three hundred and thirty-two of the Civil Code, to provide for the levying of assessments by corporations.

Referred to Judiciary Committee.

Also, Senate Bill No. 223—An Act to add a new section to the Civil Code, to be known as section four hundred and twenty-one, relating to the advertisement of the capital of insurance companies.

Referred to Judiciary Committee.

#### FIRST READING OF BILLS.

Senate Bill No. 188—An Act to repeal an Act entitled "An Act to authorize the State Board of Examiners to invest the moneys derived

from State school lands in the bonds of the several counties of this State," approved February 2, 1872.

Read first time, and placed on file for second reading.

Senate Bill No. 189—An Act to amend sections six hundred and eighty and six hundred and eighty-two, and to repeal section six hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the investment of the proceeds of the sale of State school lands.

Read first time, and placed on file for second reading.

Senate Bill No. 24—An Act in relation to the proofs of the incorporation of foreign corporations.

Read first time, and placed on file for second reading.

Senate Bill No. 25—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section four hundred and forty-four, making non-compliance with the requirements of section two of article thirteen of the Constitution a felony.

Read first time, and placed on file for second reading.

Senate Bill No. 32—An Act to amend section one thousand and forty-two of an Act to establish a Penal Code of the State of California, approved February 14, 1872, relating to trials by jury.

Read first time, and placed on file for second reading.

Senate Bill No. 46—An Act to amend sections one hundred and four, one hundred and five, and one hundred and six of the Code of Civil Procedure, relating to Justices of the Peace and Justices' Courts.

Read first time, and placed on file for second reading.

Senate Bill No. 70—An Act to amend section one thousand three hundred and three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to fixing days for hearing petitions for probate of wills, and relative to giving notice of such hearing.

Read first time, and placed on file for second reading.

Senate Bill No. 81—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section seven hundred and fifteen, relating to security to keep the peace, undertakings therefor, and discharge from imprisonment.

Read first time, and placed on file for second reading.

Senate Bill No. 73—An Act to amend the Penal Code, and to add a new section thereto in regard to gambling.

Re-referred to Judiciary Committee, on request of Mr. Whitney, the author of the bill.

Senate Bill No. 138—Ordered placed at the head of the first reading file for Wednesday, January thirty-first, eighteen hundred and eighty-three.

#### SECOND READING OF BILLS.

Senate Bill No. 22—An Act to amend section six hundred and eighty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to property claimed by a third party, which has been levied on under execution.

Read second time, and ordered engrossed.

Senate Bill No. 29—An Act to amend section one thousand four hundred and five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to succession.

Read second time, and ordered engrossed.

Senate Bill No. 30—An Act to amend section one thousand three hundred and twenty-two of an Act entitled "An Act to establish a Penal Code of the State of California," approved February 14, 1872, to determine when husband and wife may testify against each other in criminal cases.

Read second time, and ordered engrossed.

Senate Bill No. 85—An Act to protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence on conviction of a misdemeanor.

Read second time, section two stricken out, and the bill as amended ordered engrossed.

#### MOTIONS, RESOLUTIONS, ETC.

By Mr. Del Valle: Senate Joint Resolution No. 2—Relative to the bill now pending in the United States Congress, regarding the consolidation of the Southern Pacific Railroad with Eastern companies, which would change it from a State to a Federal corporation.

Referred to Committee on Federal Relations.

Also, the following notice:

I hereby give notice, that on to-morrow I will move to add a new rule to the Standing Rules of the Senate, giving preference on the file to the General Appropriation Bill, the General County and Township Government Bills, the General Municipal Corporation Bills, the General Road and Highway Bills, and the Apportionment Bills.

By Mr. English:

*Resolved*, That the Page of the Sergeant-at-Arms be and is hereby allowed a per diem of four dollars, to commence from the date hereof.

Referred to Committee on Contingent Expenses and Milcage.

By Mr. Vrooman: Notice, that on Tuesday, January thirtieth, eighteen hundred and eighty-three, he would introduce a resolution to amend Rules Five and Seven of the Standing Rules of the Senate, to read as follows:

V. After the reading and approving of the Journal, the order of business shall be as follows:

1. Presentation of Petitions.
  2. Reports of Standing Committees.
  3. Reports of Select Committees.
  4. Messages from the Governor.
  5. Messages from the Assembly.
  6. Special Orders of the Day.
  7. Introduction of Bills.
  8. First Reading of Bills.
  9. Second Reading of Bills.
  10. Motions, Resolutions, and Notices.
  11. Business on the General File, and Third Reading of Bills.
  12. Unfinished business of the preceding day.
  13. Reports from the Committee on Enrollment and Engrossment shall at all times be in order.
- Provided*, that the messages from the Governor, State officers, and from the Assembly, may, on motion of any Senator, be considered at any time.

#### VII.—THE GENERAL AND SPECIAL FILES—THEIR HOURS—SPECIAL ORDER OF BILLS ON FILE.

The Secretary shall, from time to time, make up a file, to be known as the Special File, on which he shall place the General Appropriation Bill, the General County and Township Government Bills, the General Municipal Corporation Bills, the General Road and Highway Bills, the General Street Bills for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers therein in municipalities, bills proposing amendments to the Constitution, and the Apportionment Bills, in the order in which the same may be



reported to the Senate, and he shall place no other bills thereon. Said Special File shall be considered in the order of business as prescribed in Rule Five, under the head of Special Orders of the Day, until the business on said file shall be finally disposed of. If there are no bills on the Special File, then the General File shall be the special order for each day, from two o'clock until three o'clock and thirty minutes P. M., unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time or by adjournment of the Senate while it is under consideration; and this order shall take precedence of all others, except the Special File.

### THIRD READING OF BILLS.

Senate Bills Nos. 2 and 3—On motion of Mr. Cox, made special order for Wednesday, January thirty-first, eighteen hundred and eighty-three, at two o'clock P. M.

Senate Bill No. 106—Recommitted to Judiciary Committee, with instructions to amend, by inserting after the word "purchaser," on line sixteen, the words "subject, however, to the conditions and regulations under which such owners may have acquired such lot."

Senate Bill No. 88—An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Cox, Cross, Del Valle, Dudley, English, Filcher, Fraser, Kellogg, Lynch, Maddox, McClure, Murphy, Perry, Reynolds, Ryan, Spencer of Napa, Steele, Vrooman, Wallis, and Whitney—21.

NOES—None.

Assembly Bill No. 151—An Act making an appropriation for the support of the State Printing Office for the fiscal year ending June thirtieth, eighteen hundred and eighty-three.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dudley, English, Filcher, Fraser, Kellogg, Lynch, Maddox, McClure, Murphy, Perry, Reynolds, Ryan, Spencer of Napa, Steele, Vrooman, Wallis, and Whitney—22.

NOES—None.

### ADJOURNMENT.

At three o'clock and fifty minutes P. M., on motion of Mr. Kellogg, the Senate adjourned.

### IN SENATE.

SENATE CHAMBER,  
Tuesday, January 30, 1883. }

The Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dudley, English, Filcher, Fraser, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Maddox, McClure, Murphy, Perry, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, and Whitney.

Quorum present.



Journal of yesterday read and approved.

Leave of absence for one day granted Senator Wallis.

#### PETITIONS.

By Mr. Dudley: A petition from the citizens of Vacaville, praying for the passage of the bill prepared by the State Sportsman's Association, relating to the close season for fish and game.

Referred to Committee on Fish and Game.

By Mr. Baldwin: A petition from the citizens of San Joaquin County, praying that a branch of the San Joaquin River, known as Middle River, be declared unnavigable.

Referred to Committee on Commerce and Navigation.

#### REPORTS OF STANDING COMMITTEES.

##### ON PUBLIC BUILDINGS.

MR. PRESIDENT: The Senate Committee on Public Buildings and Grounds would report as follows: They have had under consideration Senate Bill No. 72—An Act to provide for the custody of insane criminals, and insane persons charged with crime—have amended the same, and recommend its passage as amended.

Also, Senate Bill No. 157—An Act to fix the compensation of the Watchmen in and about the State Capitol and its grounds—and would recommend that it do not pass, and that the compensation of the Watchmen remain as at present fixed.

WILLIAM CRONAN, Chairman.

##### ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, January 30, 1883.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred Senate Bills Nos. 22, 29, 30, 57, and 85—have examined the same, and find them properly engrossed.

NELSON, Chairman.

#### MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, January 29, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on January twenty-fifth, eighteen hundred and eighty-three, passed Assembly Bill No. 84—An Act to amend section three thousand seven hundred and seventy-nine of the Political Code of the State of California, relating to the vesting and divesting of the lien of the State in purchases at tax sale.

Referred to Judiciary Committee.

Also, on January twenty-sixth, passed the following bills:

Assembly Bill No. 52—An Act to more fully define the separate property of husband and wife, and for that purpose to amend sections one hundred and sixty-two and one hundred and sixty-three of the Civil Code of California.

Referred to Judiciary Committee.

Also, Assembly Bill No. 98—An Act for the relief of persons whose lands have been sold to the State for taxes.

Referred to Judiciary Committee.

Also, Assembly Bill No. 99—An Act to amend section seventy-eight of the Civil Code, relating to establishing the validity of marriage.

Referred to Judiciary Committee.

Also, Assembly Bill No. 185—An Act to appropriate money to pay the deficiency in the appropriation for the repairs of the State Capitol for the thirtieth fiscal year, arising on the claim of William Laufkotter.

## Referred to Committee on Claims.

Also, adopted Assembly Concurrent Resolution No. 14—Relative to requesting our Senators and instructing our Representatives in Congress to use their influence to enact a law creating a permanent Commission of Transportation, to inquire into certain freight and fare charges.

M. C. HALEY, Chief Clerk.  
By G. W. HERBERT, Assistant Clerk.

## Referred to Committee on Corporations.

### INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Cox (by request): Senate Bill No. 224—An Act authorizing certain corporations to act as executor, administrator, guardian, trustee, agent, depository, or receiver.

Referred to Judiciary Committee.

By Mr. Kelley of Solano (by request): Senate Bill No. 225—An Act to provide for the appointment of Prosecuting Attorneys for Police Judges' Courts in all consolidated city and county governments.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Perry: Senate Bill No. 226—An Act to establish a State Board of Forestry and Parks, and to appropriate moneys for the expenses thereof.

On motion of Mr. Spencer of Stanislaus, the bill was referred to a special committee of five, to be appointed by the President, and known as Committee on Yosemite Park and Big Tree Grove.

By Mr. Cronan: Senate Bill No. 227—An Act to amend section eight hundred and thirty-two of the Civil Code.

Referred to Judiciary Committee.

### FIRST READING OF BILLS.

Senate Bill No. 34—An Act to amend section sixty of "An Act to establish a Civil Code," approved March 21, 1872, relating to void and illegal marriages.

Read first time, and placed on file for second reading.

Senate Bill No. 39—An Act to amend section one thousand two hundred and seventy-four of the Penal Code, relative to approval of bail bonds.

First reading refused.

Senate Bill No. 78—An Act to provide for the payment of jurors in criminal cases in Superior Courts.

First reading refused.

Senate Bill No. 83—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new section thereto, relating to the commencement of actions upon any claim or demand before a Justice of the Peace with whom such claim or demand has been previously left for collection, or who has been consulted thereon.

Read first time, and placed on file for second reading.

Senate Bill No. 95—Re-referred to Judiciary Committee on request of Mr. McClure, the author of the bill.

Senato Bill No. 96—An Act to amend sections three hundred and twelve and three hundred and fifteen of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the election of directors of corporations.

First reading refused.

Senate Bill No. 97—An Act to amend section four hundred and forty-two of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the filing and service of cross complaints.

First reading refused.

Senate Bill No. 100—An Act to amend section one thousand six hundred and sixty-six of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to the settlement of estates of deceased persons.

Read first time, and placed on file for second reading.

## SECOND READING OF BILLS.

Senate Bill No. 188—An Act to repeal an Act entitled "An Act to authorize the State Board of Examiners to invest the moneys derived from State school lands in the bonds of the several counties of this State," approved February 2, 1872.

Read second time, and ordered engrossed.

Senate Bill No. 189—An Act to amend sections six hundred and eighty and six hundred and eighty-two, and to repeal section six hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the investment of the proceeds of the sale of State school lands.

Read second time, and ordered engrossed.

Senate Bill No. 24—An Act in relation to the proofs of the incorporation of foreign corporations.

Read second time, and ordered engrossed.

Senate Bill No. 25—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section four hundred and forty-four, making non-compliance with the requirements of section two of article thirteen of the Constitution a felony.

Read second time, amendments by the committee adopted, and the bill ordered engrossed.

Senate Bill No. 32—An Act to amend section one thousand and forty-two of "An Act to establish a Penal Code of the State of California," approved February 14, 1872, relating to trials by jury.

Read second time, and ordered engrossed.

Senate Bill No. 46—Placed at the head of the second reading file for Wednesday, January thirty-first, eighteen hundred and eighty-three.

Senate Bill No. 70—An Act to amend section one thousand three hundred and three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to fixing days for hearing petitions for probate of wills, and relative to giving notice of such hearing.

Read second time, and ordered engrossed.

Senate Bill No. 81—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section seven hundred and

fifteen, relating to security to keep the peace, undertakings therefor, and discharge from imprisonment.

Read second time, and ordered engrossed.

### THIRD READING OF BILLS.

Senate Bill No. 82—An Act to pay the salary of the Reporter of Decisions of the Supreme Court for the period clapsing from January seventh to July first, eighteen hundred and eighty.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Cronan, Cross, Del Valle, Dudley, English, Fraser, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, McClure, Murphy, Perry, Reddy, Reynolds, Ryan, Spencer of Napa, Steele, Sullivan, Taylor, Vrooman, and Whitney—24.

NOES—Mr. Maddox—1.

Senate Bill No. 48—An Act to amend section three hundred and fifty-nine of "An Act to establish a Civil Code," approved March 21, 1872, relating to powers of corporations.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Cross, Del Valle, Dudley, English, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Maddox, McClure, Murphy, Perry, Reddy, Reynolds, Spencer of Napa, Steele, Sullivan, Taylor, Vrooman, and Whitney—22.

NOES—Messrs. Filcher and Fraser—2.

Senate Bill No. 26—An Act to amend section one hundred and sixty of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, in relation to authorizing Judges of Superior Courts to hold Courts in any county when requested by the Governor.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Cross, Del Valle, Dudley, English, Fraser, Johnson, Kelley of Solano, Kellogg, Lynch, Maddox, McClure, Murphy, Perry, Reddy, Reynolds, Spencer of Napa, Steele, Sullivan, Taylor, Vrooman, and Whitney—22.

NOES—Mr. Filcher—1.

Senate Bill No. 27—An Act to amend section seven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, in relation to authorizing Judges of Superior Courts to hold Court in any county when requested by the Judge thereof, or the Governor.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Cross, Del Valle, Dudley, English, Filcher, Fraser, Johnson, Kellogg, Lynch, Maddox, McClure, Murphy, Perry, Reynolds, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, and Vrooman—21.

NOES—Messrs. Kelley of Solano, Reddy, and Whitney—3.

Senate Bill No. 28—An Act to amend section three hundred and twenty-four of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to corporations.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Cross, Del Valle, Dudley, English, Filcher, Fraser, Johnson, Kelley of Solano, Kellogg, Lynch, Maddox, McClure, Perry, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, and Whitney—23.

NOES—Mr. Murphy—1.



Senate Bill No. 35—An Act to amend sections three hundred and twelve and three hundred and fifteen of "An Act to establish a Civil Code," approved March 21, 1872, relating to corporations.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Cronan, Cross, Del Valle, Dudley, English, Filcher, Fraser, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Maddox, McClure, Murphy, Perry, Reynolds, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, and Whitney—25.

NOES—None.

Senate Bill No. 74—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as and numbered section three thousand three hundred and forty-one (division four, part one, title two), relating to damages committed by dogs and other animals to sheep, Angora goats, and Cashmere goats, and for the better protection of the same against the ravages of dogs and other animals.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Cronan, Cross, Dudley, English, Filcher, Fraser, Johnson, Kelly of San Francisco, Kelley of Solano, Lynch, Maddox, McClure, Murphy, Perry, Reynolds, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, and Whitney—23.

NOES—Mr. Del Valle—1.

Senate Bill No. 75—An Act to repeal an Act entitled "An Act to protect sheep and lambs in this State," approved May 18, 1861.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Cronan, Cross, Del Valle, Dudley, English, Filcher, Fraser, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, McClure, Murphy, Perry, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, and Whitney—25.

NOES—None.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, CAL., January 30, 1883. }

*To the honorable the Senate of the State of California:*

MR. PRESIDENT: I have this day appointed Walter Turnbull, of San Francisco, Major-General Commanding Division National Guard of California, vice W. H. L. Barnes, resigned; William H. Dimond, of San Francisco, Brigadier-General Second Brigade, N. G. C., vice himself, resigned; Charles Cadwalader, of Tehama County, Brigadier-General Fifth Brigade, N. G. C., vice himself, resigned; Joseph G. Wall, of Del Norte County, Brigadier-General Sixth Brigade, N. G. C., vice himself, not confirmed—and I respectfully ask the consent of the Senate to the same.

GEORGE STONEMAN, Governor.

Mr. Murphy moved that the Senate go into executive session, to consider the appointments of the Governor.

Roll-call demanded.

Roll called, with the following result:

AYES—Messrs. Cronan, Cross, Dudley, English, Filcher, Fraser, Johnson, Kelley of Solano, Maddox, McClure, Murphy, Perry, Steele, Vrooman, and Whitney—15.

NOES—Messrs. Baldwin, Del Valle, Kelly of San Francisco, Kellogg, Lynch, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, and Sullivan—11.

Pending the consideration of the appointment of Walter Turnbull, Mr. Spencer of Napa moved that the consideration of the Governor's



appointments be made a special order for Monday, February fifth, eighteen hundred and eighty-three, at two o'clock P. M.

Roll-call demanded.

The roll was called, with the following result:

AYES—Messrs. Baldwin, Del Valle, English, Filcher, Kelly of San Francisco, Lynch, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, and Sullivan—12.

NOES—Messrs. Cronan, Cross, Dudley, Fraser, Johnson, Kelley of Solano, Kellogg, Maddox, McClure, Murphy, Perry, Steele, Vrooman, and Whitney—14.

Lost.

At this point Mr. Murphy demanded a call of the Senate.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dudley, English, Filcher, Foster, Fraser, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Maddox, McClure, Murphy, Perry, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Vrooman, and Whitney.

Excused—Messrs. Keating, Knight, Langford, McCarthy, Wallis, and Wolfskill.

On motion of Mr. Murphy, further proceedings under the roll-call were dispensed with.

Mr. Del Valle moved to postpone further consideration of the Governor's appointments until Friday, February second, eighteen hundred and eighty-three, at eleven o'clock A. M.

Pending the discussion of this motion, a motion to adjourn, by Mr. Spencer of Stanislaus, and one by Mr. Taylor, were lost.

The motion of Mr. Del Valle lost.

Mr. English moved to adjourn.

Roll-call demanded.

Roll called, with the following result:

AYES—Messrs. Baldwin, Cox, English, Filcher, Kelly of San Francisco, Lynch, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, and Taylor—12.

NOES—Messrs. Cronan, Cross, Del Valle, Dudley, Fraser, Johnson, Kelley of Solano, Kellogg, Maddox, McClure, Murphy, Perry, Reddy, Steele, Vrooman, and Whitney—16.

Moved, by Mr. Vrooman, to take a recess until two o'clock.

Lost.

Mr. McClure moved to postpone consideration of the Governor's appointments until immediately after the disposition of the Special Order for two o'clock P. M. to-day.

Roll-call demanded.

Roll called, with the following result:

AYES—Messrs. Baldwin, Cronan, Cross, Dudley, English, Fraser, Kellogg, Maddox, McClure, Murphy, Perry, Reddy, Steele, Vrooman, and Whitney—15.

NOES—Messrs. Cox, Filcher, Johnson, Kelly of San Francisco, Kelley of Solano, Lynch, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, and Taylor—12.

The hour having arrived, the Senate took a recess.

#### REASSEMBLED.

Senate reassembled at two o'clock P. M.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Filcher, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg,

Lynch, Maddox, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, and Whitney.

Quorum present.

#### SPECIAL ORDER.

The consideration of Senate Bill No. 10, amending the Constitution : Senate Bill No. 10—"Amendment to the Constitution—the Legislature of the State of California, at its twenty-fifth session, commencing on the first Monday after the first day of January, A. D. one thousand eight hundred and eighty-three, two thirds of all the members elected to each of the two Houses of said Legislature voting in favor thereof, hereby proposes that section nineteen (19) of article eleven (11) of the Constitution of the State of California, be amended so as to read as follows."

Read third time, and passed by the following vote :

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, McClure, Murphy, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Taylor, Vrooman, and Whitney—28.

NOES—Messrs. Filcher, Fraser, Maddox, Nelson, and Sullivan—5.

Title read and approved.

The President announced that the bill had duly received a two-thirds majority of all the members elected.

#### CONSIDERATION OF GOVERNOR'S MESSAGE.

Mr. Lynch moved to adjourn.

Lost.

Mr. Taylor moved to postpone the consideration of the appointments until immediately after reading the Journal on Wednesday, January thirty-first, eighteen hundred and eighty-three.

Roll-call demanded.

Roll called with the following result :

AYES—Messrs. Baldwin, Cox, Cross, Del Valle, Dougherty, English, Filcher, Harrigan, Kelly of San Francisco, Lynch, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, and Taylor—18.

NOES—Messrs. Chandler, Cronan, Dudley, Fraser, Johnson, Kelley of Solano, Kellogg, Maddox, McClure, Murphy, Perry, Routier, Steele, Vrooman, and Whitney—15.

Carried.

Mr. Kelley of Solano moved to adjourn.

Lost.

#### THIRD READING OF BILLS.

Senate Bill No. 76—An Act to repeal an Act entitled "An Act to protect sheep and Cashmere and Angora goats against the ravages of dogs," approved March 13, 1866.

Read third time, and passed by the following vote :

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, and Whitney—31.

NOES—None.

Title read and approved.

Senate Bill No. 57—An Act to amend sections three thousand four hundred and ninety-five and three thousand five hundred of the Political Code, relating to public lands of the State.

Read third time.

Vote on passage stood as follows:

AYES—Messrs. Cox, Cronan, Cross, Del Valle, Dougherty, English, Harrigan, Kelley of Solano, Lynch, Maddox, Reynolds, Routier, Speucer of Napa, Steele, Sullivan, Taylor, Vrooman, and Whitney—18.

NOES—Messrs. Chandler, Dudley, Filcher, Fraser, Johnson, Kelly of San Francisco, Murphy, Nelson, Perry, Reddy, Ryan, and Spencer of Stanislaus—12.

Mr. English gave notice that on the day following he should move for a reconsideration of the vote on this bill.

Mr. Cross gave notice that on to-morrow he would move for a reconsideration of the vote by which Senate Bill No. 27 was passed.

Senate Bill No. 86—An Act to amend an Act entitled "An Act for the protection of miners," approved March 13, 1872.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Filcher, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Maddox, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, and Whitney—33.

NOES—None.

Title read and approved.

Senate Bill No. 122—An Act to amend section one thousand six hundred and thirty-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duty of School Census Marshals.

Read third time, and lost on final vote, as follows:

AYES—Messrs. Cox, Del Valle, English, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Lynch, McClure, Reddy, Reynolds, Ryan, Speucer of Napa, Steele, Sullivan, Taylor, and Vrooman—17.

NOES—Messrs. Chandler, Cross, Dudley, Filcher, Fraser, Kellogg, Maddox, Murphy, Perry, Routier, Spencer of Stanislaus, and Whitney—12.

Senate Bill No. 13—An Act to amend sections one thousand two hundred and two and one thousand two hundred and three of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to actions for proving instruments and correcting defective certificates of acknowledgments.

Read third time, and passed by the following vote:

AYES—Messrs. Chandler, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Filcher, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Lynch, Maddox, McClure, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Speucer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, and Whitney—28.

NOES—None.

Title read and approved.

Senate Bill No. 22—An Act to amend section six hundred and eighty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to property claimed by a third party, which has been levied on under execution.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Chandler, Cross, Del Valle, Dougherty, English, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Maddox, McClure, Murphy, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, and Whitney—27.

NOES—Mr. Filcher—1.

Title read and approved.

Senate Bill No. 29—An Act to amend section one thousand four hundred and five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to successions.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Chandler, Cross, Del Valle, Dougherty, English, Filcher, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Maddox, McClure, Murphy, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, and Whitney—29.

NOES—None.

Title read and approved.

Senate Bill No. 30—An Act to amend section one thousand three hundred and twenty-two of an Act entitled "An Act to establish a Penal Code of the State of California," approved February 14, 1872, to determine when husband and wife may testify against each other in criminal cases.

Read third time.

The vote on final passage stood as follows:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, Fraser, Johnson, McClure, Reynolds, Spencer of Stanislaus, Steele, Taylor, Vrooman, and Whitney—17.

NOES—Messrs. English, Filcher, Harrigan, Kelley of Solano, Kellogg, Lynch, Maddox, Murphy, Nelson, Perry, Reddy, Routier, Ryan, Spencer of Napa, and Sullivan—15.

Mr. McClure gave notice that at the next meeting of the Senate he should move for a reconsideration of the vote by which the Senate refused to pass Senate Bill No. 30.

Senate Bill No. 85—An Act to protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence on conviction of a misdemeanor.

Read third time, and, on motion of Mr. Kellogg, the further consideration of this bill was made a special order for Wednesday, January thirty-first, eighteen hundred and eighty-three, at two o'clock and thirty minutes P. M.

The President announced as Committee on Yosemite Park and Big Tree Grove: Spencer of Stanislaus, Chairman; Baldwin, Reynolds, Cox, and Vrooman.

#### ADJOURNMENT.

At four o'clock and twenty-five minutes P. M., on motion of Mr. Reddy, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
 Wednesday, January 31, 1883. }

The Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names :

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dudley, English, Filcher, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Keating, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, and Whitney.

Quorum present.

Journal of yesterday read and approved.

Leave of absence granted to Senator Wallis, on account of sickness.

Leave of absence granted Senator Filcher for three days, on account of committee duty, for the purpose of visiting the State Mining Bureau at San Francisco, in behalf of Committee on Mines and Mining.

## SPECIAL ORDER.

Wednesday, January thirty-first—Consideration of Governor's message relative to appointments, immediately after reading the Journal.

The Senate was considered as in executive session, for the purpose of considering the appointments of the Governor in their order.

Upon the question : " Will the Senate advise and consent to the appointment of Walter Turnbull, of San Francisco, as Major-General, commanding Division National Guard of California, vice W. H. L. Barnes, resigned ? " the roll was called, with the following result :

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dudley, English, Filcher, Foster, Fraser, Harrigan, Johnson, Kelley of Solano, Kellogg, Lynch, Maddox, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, and Whitney—32.

Whereupon the Chair announced the appointment of Walter Turnbull as Major-General commanding National Guard of California, duly confirmed.

Upon the question : " Will the Senate advise and consent to the appointment of William H. Dimond, of San Francisco, as Brigadier-General Second Brigade, N. G. C., vice himself, resigned ? " the roll was called, with the following result :

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dudley, English, Filcher, Foster, Harrigan, Johnson, Kelley of Solano, Kellogg, Lynch, Maddox, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, and Whitney—30.

NOES—Mr. Fraser—1.

Whereupon the Chair announced the appointment of William H. Dimond as Brigadier-General, Second Brigade, N. G. C., duly confirmed.

Upon the question : " Will the Senate advise and consent to the appointment of Charles Cadwalader, of Tehama County, as Brigadier-General Fifth Brigade, N. G. C., vice himself, resigned ? " the roll was called, with the following result :



AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dudley, English, Filcher, Foster, Harrigan, Johnson, Kellogg, Lynch, Maddox, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Speucer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, and Whitney—30.

NOES—Mr. Fraser—1.

Whereupon the Chair announced the appointment of Charles Cadwalader as Brigadier-General Fifth Brigade, N. G. C., duly confirmed.

Upon the question: "Will the Senate advise and consent to the appointment of Joseph G. Wall, of Del Norte County, as Brigadier-General Sixth Brigade, N. G. C., vice himself, not confirmed?" the roll was called, with the following result:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dudley, English, Fileher, Foster, Fraser, Harrigan, Johnson, Kellogg, Lynch, Maddox, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, and Whitney—31.

NOES—None.

Whereupon the Chair announced the appointment of Joseph G. Wall as Brigadier-General, Sixth Brigade, N. G. C., duly confirmed.

#### REPORTS OF STANDING COMMITTEES.

##### ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, January 30, 1883.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments have had under consideration certain petitions referred to said committee, to wit: A petition from the Board of Trustees of the Town of Berkeley; also, a petition from the Board of Supervisors of the City and County of San Francisco; also, a petition from the City Council of Oakland; and also, a petition from the Board of Trustees of the City of Sacramento—all praying for an amendment to section nineteen of article eleven of the Constitution of California, as contemplated by Senate Bill No. 10—and do report that said Bill No. 10, having been passed by the Senate, they deem no further action necessary by the committee.

JOHNSON, Chairman.

##### ON CONTINGENT EXPENSES AND MILEAGE.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz.:

"Resolved, That each Senator be allowed the sum of twenty-five dollars for contingent expenses, payable out of the Contingent Fund of the Senate"—have had the same under consideration, and recommend that the same be allowed, and that stamps and stationery be deducted therefrom.

Also, the following:

"Resolved, That the Page of the Sergeant-at-Arms is hereby allowed a per diem of four dollars, to commence from the date of January twenty-ninth, eighteen hundred and eighty-three"—have had the same under consideration, and recommend that it do not pass.

Also, the following:

"Resolved, That the Committee on Judiciary be allowed an additional clerk, at a per diem to be hereafter fixed by the Senate"—have had the same under consideration, and recommend that the salary of said clerk be fixed at the rate of six dollars per day, said salary to commence from the fifteenth day of January.

Also, the following:

"Resolved, That Wm. Croning be and is hereby appointed Porter for the Lieutenant-Governor's and Clerk's rooms of the Senate, at the same per diem as is paid the other Porters of the Senate"—have had the same under consideration, and recommend that it do pass.

Also, the resolution authorizing the Sergeant-at-Arms to contract for letter box at the Post Office in this city—have had the same under consideration, and recommend that I. G. Messee, Sergeant-at-Arms, be allowed the sum of ten (10) dollars, amount paid for said box.

MADDOX, Chairman.

Adopted.

Mr. Del Valle, President pro tem., in the chair.

## ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, January 31, 1883.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 49—"An Act to provide an Industrial Department for the Deaf, Dumb, and Blind Asylum," have had the same under consideration, and now report the same back without recommendation.

Also, Senate Bill No. 117—"An Act to amend article nine of the Constitution," have had the same under consideration, and now report the same back, with the recommendation that it do not pass.

Also, Senate Bill No. 140—"An Act to amend article nine of the Constitution"—have had the same under consideration, and now report the same back, with the recommendation that it do not pass.

Also, Senate Bill No. 175—"An Act to amend section one thousand five hundred and forty-three of the Political Code, relating to the lapsing of school districts"—have had the same under consideration, and now report it back, with the recommendation that it do not pass.

CLAY W. TAYLOR, Chairman.

Mr. Perry gave notice that he would hereafter make a minority report on Bills Nos. 117 and 140.

## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, January 31, 1883.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred Senate Bills Nos. 24, 25, 32, 70, 81, 188, and 189, have examined the same, and find them properly engrossed.

NELSON, Chairman.

## MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, January 31, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly has this day concurred in Senate Joint Resolution No. 1—Relative to asking Congressional action on behalf of the University of California.

M. C. HALEY, Chief Clerk.

By G. W. HERBERT, Assistant Clerk.

Placed on file for first reading.

## INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. McClure: Senate Bill No. 228—An Act to provide for the submission of proposed amendments to the Constitution of the State of California to the qualified electors for their approval.

Referred to Judiciary Committee.

By Mr. Reddy: Senate Bill No. 229—An Act to amend section four hundred and seventy-three of the Civil Code, relating to the consolidation of the capital stock, debts, profits, assets, and franchises of railroad corporations, and to authorize such consolidation between railroad corporations organized in this State and railroad corporations of adjoining States.

Referred to Committee on Corporations.

Also, Senate Bill No. 230—An Act to amend an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April 16, 1880, and known as the Insolvent Act of 1880.

Referred to Judiciary Committee.

By Mr. Sullivan: Senate Bill No. 231—An Act to amend section seven hundred and thirty-seven of the Political Code of the State of California, relating to the salaries of the Judges of the Superior Courts of the City and County of San Francisco, and of the Counties of

Alameda, San Joaquin, Los Angeles, Santa Clara, Yuba and Sutter (combined), Sacramento, Butte, Nevada, and Sonoma.

Referred to Judiciary Committee.

Also, Senate Bill No. 232—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section four hundred and ninety-three, relating to the duty of railroad corporations to provide safeguards for passengers.

Referred to Judiciary Committee.

By Mr. Cronan: Senate Bill No. 233—An Act to appropriate the sum of thirty-four thousand eight hundred dollars, with legal interest thereon, to pay the amount found by the Sixth Judicial District Court to be due M. Miles and his sureties, for work done under contract in building the State Prison at Folsom.

Referred to Committee on Claims.

By Mr. Fraser: Senate Bill No. 234—An Act to amend section four hundred and thirteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of the Secretary of State.

Referred to Judiciary Committee.

By Mr. Ryan: Senate Bill No. 235—An Act in relation to the inspection of steam boilers in the State of California.

Referred to Committee on Corporations.

By Mr. Vrooman: Senate Bill No. 236—An Act to amend sections one thousand five hundred and forty-nine, one thousand five hundred and fifty-two, one thousand five hundred and fifty-seven, one thousand five hundred and eighty-two, one thousand five hundred and ninety-three, one thousand six hundred and seventeen, one thousand six hundred and twenty-one, one thousand six hundred and twenty-two, one thousand six hundred and thirty-eight, one thousand six hundred and fifty-one, one thousand six hundred and ninety-nine, one thousand seven hundred, one thousand eight hundred and nineteen, and one thousand eight hundred and fifty-nine, and to repeal sections one thousand five hundred and thirty-three and one thousand six hundred and eighteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to public schools, and to add a new section thereto, to be known as section one thousand five hundred and eighty-four.

Referred to Committee on Education.

Mr. Vrooman moved that twice the number of copies of Senate Bill No. 236 be printed.

Carried.

Also, Senate Bill No. 237—An Act to amend section one thousand seven hundred and forty-one of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to fees chargeable to estates in the hands of the Public Administrators.

Referred to Judiciary Committee.

#### FIRST READING OF BILLS.

Senate Bill No. 138—An Act to amend section one hundred and fifteen of an Act entitled "An Act to establish a Code of Civil Procedure," relating to the jurisdiction of Justices' Courts.

First reading refused.

Senate Bill No. 72—An Act to provide for the custody of insane criminals, and persons charged with crime.

Read first time, and placed on file for second reading.

Senate Bill No. 157—An Act to fix the compensation of the Watchmen in and about the State Capitol and its grounds.

First reading refused.

President Daggett in the chair.

#### SECOND READING OF BILLS.

Senate Bill No. 46—An Act to amend sections one hundred and four, one hundred and five, and one hundred and six of the Code of Civil Procedure, relating to Justices of the Peace and Justices' Courts.

Read second time.

Amendment by the committee adopted.

On motion of Mr. Baldwin, section four was amended as follows: Striking out the words "this Act shall be in force from and after its passage," and inserting in lieu thereof, the following: "This Act shall take effect on the first Monday after the first day of January, A. D. 1885."

Bill as amended ordered engrossed.

Senate Bill No. 34—An Act to amend section sixty of "An Act to establish a Civil Code," approved March 21, 1872, relating to void and illegal marriages.

Read second time, and ordered engrossed.

Senate Bill No. 83—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new section thereto, relating to the commencement of actions upon any claim or demand before a Justice of the Peace with whom such claim or demand had been previously left for collection, or who had been consulted thereon.

Read second time, amendment by the committee adopted, and ordered engrossed.

Senate Bill No. 100—An Act to amend section one thousand six hundred and sixty-six of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to settlements of estates of deceased persons.

Read second time, and ordered engrossed.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Mr. Spencer of Napa: Senate Bill No. 238—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known and numbered as section one thousand seven hundred and forty-four, relative to Public Administrators and the duties of persons having property of deceased persons, or persons presumed to be deceased, which has not been administered upon.

Referred to Committee on Counties, County Governments, and Township Organization.

By Mr. Taylor (by request): Senate Bill No. 239—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered section five hundred and forty-one.



Referred to Judiciary Committee.

Also, Senate Bill No. 240—An Act to amend section ninety-two of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, and Acts amendatory thereof, and to add a new section to said Code, to be numbered as section one hundred and eight, relating to causes of divorce.

Referred to Judiciary Committee.

By Mr. Keating: Senate Bill No. 241—An Act for the better protection of life and property, by regulating the management and use of steam boilers and other apparatus subject to pressure.

Referred to Committee on Corporations.

By Mr. Del Valle: Senate Bill No. 242—An Act for the regulation of the boarding of infant children.

Referred to Committee on Hospitals.

#### RESOLUTIONS, NOTICES, ETC.

Mr. Vrooman called up the notice previously given of a resolution to amend Rules Five and Seven of the Senate, and requested that the same be referred to the Committee on Rules.

So referred.

Mr. Del Valle gave notice of an amendment to the resolution, which was also referred to Committee on Rules.

#### MEMORIAL.

By Mr. Keating:

*From Local Assembly No. 1390, Knights of Labor of San Francisco.*

At a regular meeting of Local Assembly No. 1390, K. of L., held on January twenty-fifth, eighteen hundred and eighty-three, the following memorial was adopted:

*To the honorable the Members of the Legislature of the State of California:*

GENTLEMEN: There are some bills that have been introduced in the Legislature that should receive your attention at the earliest possible moment. One bill provides for the establishing of a Bureau of Labor Statistics for this State; the others provide for a uniform system of text-books for the public schools; the printing and binding of such text-books by the State, and the free distribution of the same to the pupils in the public schools; the establishing of a State hindery for the binding of all books required by the State offices, Supreme Court, etc. This system of a uniform series of text-books and a free distribution of the same, has been carried on in some of the Eastern States for a number of years (notably in New York and Pennsylvania) and gives entire satisfaction. We endorse the bills which embody the above named provisions, and think it to the best interest of the people of this State that they should be passed by the Legislature. We understand that there have been several bills introduced relating to these subjects. But any such bills that do not embody the above named provisions, and nothing more, are not in the interest of the people of this State, and should not be passed by the Legislature. The Hon. Frank J. Sullivan has charge of the bills in the Senate, and the Hon. James J. Flynn, Hon. Thomas F. Barry, and Hon. Mr. Culver in the Assembly. We respectfully request the members of the Legislature to support the bills relating to matters herein mentioned, and introduced and advocated by the above named gentlemen, as they embody some of the reform measures demanded by the people, and which the members of the present Legislature were elected to carry out. We hope the people's expectation of reform will not meet with disappointment. We also recommend that you amend section seven of article nine of the Constitution, by adding the words, "the State" between the words "adopt" and "series." Also add the following words to the end of section: "Such examinations shall be in accordance with the standard of qualifications for teaching adopted by the State."

Respectfully yours,

PETER BELL, Master Workman.

JOHN RYAN, Secretary.

#### THIRD READING OF BILLS.

Mr. Vrooman moved to reconsider the vote by which Senate Bill No. 30 was refused passage.

Mr. Reddy moved to lay the motion on the table.



Lost.

The motion to reconsider was carried by a vote of fourteen ayes to twelve noes, on a division of the Senate.

On motion of Mr. Cross, the bill was made a special order for Friday, February second, eighteen hundred and eighty-three, at two o'clock P. M.

Senate Bill No. 188—An Act to repeal an Act entitled "An Act to authorize the State Board of Examiners to invest the moneys derived from State school lands in the bonds of the several counties of this State," approved February 2, 1872.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dudley, English, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Maddox, McClure, Murphy, Reddy, Reynolds, Routier, Ryan, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, and Whitney—28.

NOES—None.

Title read and approved.

Senate Bill No. 189—An Act to amend sections six hundred and eighty and six hundred and eighty-two, and to repeal section six hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the investment of the proceeds of the sale of State school lands.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dudley, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Maddox, McClure, Murphy, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, and Whitney—31.

NOES—None.

Title read and approved.

Senate Bill No. 24—An Act in relation to the proofs of the incorporation of foreign corporations.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dudley, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Maddox, McClure, Murphy, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, and Whitney—30.

NOES—None.

Title read and approved.

Senate Bill No. 25—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section four hundred and forty-four, making non-compliance with the requirements of section two of article thirteen of the Constitution a misdemeanor.

Read third time, and passed by the following vote:

AYES—Messrs. Chandler, Cronan, Cross, Del Valle, Dudley, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, McClure, Murphy, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, and Whitney—29.

NOES—Messrs. Cox and Maddox—2.

Title read and approved.

Senate Bill No. 32—An Act to amend section one thousand and forty-two of "An Act to establish a Penal Code of the State of California," approved February 14, 1872, relating to trials by jury.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dudley, English, Fileher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Maddox, McClure, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Speneer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, and Whitney—31.

NOES—None.

Title read and approved.

Senate Bill No. 70—An Act to amend section one thousand three hundred and threc of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to fixing days for hearing petitions for probate of wills, and relative to giving notice of such hearing.

Read third time, and lost on final vote, as follows:

AYES—Messrs. Cox, Cronan, Cross, Dudley, Foster, Fraser, Johnson, Kelly of San Francisco, Murphy, Ryan, Taylor, and Vrooman—12.

NOES—Messrs. Baldwin, Chandler, English, Fileher, Harrigan, Keating, Kelley of Solano, Lynch, Maddox, McClure, Reynolds, Routier, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, and Whitney—17.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Mr. Keating: Senate Bill No. 243—An Act for the relief of H. D. Gamble.

Referred to Committee on Claims.

Also, Senate Bill No. 244—An Act to amend chapter twenty-six of the Statutes, entitled "An Act in relation to certain deputies, assistants, and copyists of County Clerks," approved April 2, 1880.

Referred to Judiciary Committee.

#### PETITION—(OUT OF ORDER).

By Mr. Sullivan: A petition said to contain the signature of every attorney in San Francisco, praying that the salary of Superior Judges in the City and County of San Francisco be increased to six thousand dollars per annum.

Referred to Judiciary Committee.

The hour having arrived, the Senate took a recess.

#### REASSEMBLED.

At two o'clock P. M., the Senate reassembled.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Filcher, Fraser, Harrigan, Johnson, Keating, Kelley of Solano, Kellogg, Lynch, Maddox, McClure, Murphy, Nelsou, Perry, Reynolds, Ryan, Spencer of Napa, Steele, Sullivan, Taylor, Vrooman, and Whitney.

Quorum present.

Mr. Murphy gave notice that on the following day he should move for a reconsideration of the vote by which Senate Bill No. 25 was passed.

## MINORITY REPORT OF STANDING COMMITTEE ON EDUCATION.

SENATE CHAMBER, January 31, 1883.

MR. PRESIDENT: The undersigned, members of your Committee on Education, to whom was referred Senate Bills Nos. 117 and 140, or a substitute for same, beg leave to recommend the passage of said bills, for the following reasons:

First—That a uniform set of text-books for the State is necessary for economical reasons, and can only be established by a State Board of Education.

Second—That the interests of education and good government will be advanced if such text-books, when so established, could be printed by the State, and furnished at either cost price or free of charge to children using same.

GEORGE H. PERRY,  
HENRY VROOMAN.

On motion of Mr. Cox, the special order for two o'clock was continued until three o'clock.

## THIRD READING OF BILLS.

Senate Bill No. 81—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section seven hundred and fifteen, relating to security to keep the peace, undertakings therefor, and discharge from imprisonment.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Cronan, Cross, Dougherty, Dudley, English, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Maddox, McClure, Murphy, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Steele, Sullivan, Taylor, Vrooman, and Whitney—28.

NOES—Mr. Filcher—1.

Title read and approved.

On motion of Mr. English, the question of the reconsideration of the vote by which Senate Bill No. 57 was refused passage was made a special order for Friday, February second, eighteen hundred and eighty-three, at two o'clock and thirty minutes P. M.

## RESOLUTION—(OUT OF ORDER).

By Mr. Nelson:

*Resolved*, That the Committee on Contingent Expenses and Mileage of the Senate have power to audit all vouchers for engrossing bills of the Senate.

Adopted.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Mr. English: Senate Bill No. 245—An Act to amend section five hundred and sixteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the traveling expenses of the Superintendent of Public Instruction.

Referred to Judiciary Committee.

Also, Senate Bill No. 246—An Act to amend section five hundred and fourteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the Deputy Superintendent of Public Instruction.

Referred to Judiciary Committee.

By Mr. Johnson: Senate Bill No. 247—An Act to provide for the better control and management of the several funds of the University of California, and for the investment and security of the same.

Referred to Judiciary Committee.

Also, Senate Bill No. 248 (by request)—An Act to regulate the retail sale of spirituous or malt liquors, and all intoxicating beverages.

Referred to Committee on Public Morals.

By Mr. Ryan: Senate Bill No. 249—An Act to amend section four of an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878.

Referred to Committee on Corporations.

By Mr. Cox (by request): Senate Bill No. 250—An Act to appropriate money to pay Edward Christy for lime used in the construction of the Branch State Prison at Folsom.

Referred to Committee on Claims.

Mr. Taylor asked to be excused from further service on the Committee on Education.

Granted.

#### SPECIAL ORDERS.

For Wednesday, January thirty-first, at two o'clock and thirty minutes P. M.: The consideration of Senate Bill No. 85—An Act to protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence on conviction of a misdemeanor.

After debate, the bill was passed by the following vote:

AYES—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Maddox, Nelson, Perry, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, and Vrooman—27.

NOES—Messrs. Dudley, McClure, Murphy, Routier, and Whitney—5.

Title read and approved.

Senate Bills Nos. 2 and 3—On motion of Mr. Whitney, these bills were recommitted to the Judiciary Committee, with instructions to amend.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, January 31, 1883.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred Senate Bills Nos. 34, 46, 83, and 100, have examined the same, and find them properly engrossed.

NELSON, Chairman.

#### RESOLUTION—(OUT OF ORDER).

*Resolved*, That the Committee on Mileage and Contingent Expenses be permitted to correct an error in their report heretofore submitted and adopted, in reference to the mileage of Senator Taylor, and to fix the same at thirty-five dollars and forty cents.

Adopted.

#### ADJOURNMENT.

At three o'clock and thirty-five minutes, on motion of Mr. Cross, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Thursday, February 1, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Taylor, Vrooman, and Whitney.

Quorum present.

Journal of yesterday read, amended, and approved, the usual motion to dispense with the reading being lost.

## REPORTS OF STANDING COMMITTEES.

## ON ENROLLMENT.

SACRAMENTO, February 1, 1883.

MR. PRESIDENT: Your Committee on Enrolled Bills do report that they have examined and find correctly enrolled Senate Joint Resolution No. 1, and that the same has been this day transmitted to the Governor.

HARRIGAN, Chairman.

## ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 1, 1883.

MR. PRESIDENT: The Committee on Corporations, to whom was referred substitute for Assembly Bill No. 39, have had the same under consideration, and report the same back with amendment, and recommend its passage as amended.

Also, Assembly Concurrent Resolution No. 14, and recommend that it be referred to the Committee on Commerce and Navigation.

So referred.

Also, Senate Bill No. 156, and recommend its passage.

Also, Senate Bill No. 106—An Act to amend section six hundred and thirteen of the Civil Code of the State of California, relating to cemetery corporations—have had the same under consideration, and report the same back with the amendment, according to the instructions of the Senate, and recommend its passage as amended.

RYAN, Chairman.

## ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 1, 1883.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Assembly Bill No. 82—An Act to pay the claim of James Saultry—beg leave to report that they have carefully considered the same, and recommend its passage.

Also, Senate Bill No. 109—An Act to appropriate moneys to pay James A. Waymire, William H. Sears, and John H. Dickinson, for professional services, in testing the constitutionality of the Act to promote drainage, and recommend that it do not pass.

Also, Senate Bill No. 107—An Act to appropriate money to pay the claim of W. F. Boardman, Sherman Day, and Grant I. Taggart, for services as Commissioners, in the action of the People of the State of California ex rel. Jo Hamilton, Attorney-General, vs. A. P. Pfeiffer et al., in the Third District Court for Alameda County, and recommend that it do not pass.

KELLEY, Chairman.

## INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:



By Mr. Kelly of San Francisco: Senate Bill No. 251—An Act to amend section five hundred and twenty-eight of the Political Code, relating to the duties of State Printer.

Referred to Committee on Public Printing.

Also, Senate Bill No. 252—An Act to amend section two thousand five hundred and twenty-five of the Political Code, relating to the streets lying along the water front of the City and County of San Francisco.

Referred to Committee on Commerce and Navigation.

By Mr. Cronan: Senate Bill No. 253—An Act to prevent a monopoly on common carriers.

Referred to Committee on Corporations.

Also, Senate Bill No. 254—An Act to regulate and limit the charges for services performed by telegraph corporations.

Referred to Committee on Corporations.

Also, Senate Bill No. 255—An Act prohibiting banks or savings and loan societies, and the attorneys, counsel, and other employes thereof, from charging borrowers for searching or passing upon the title to property mortgaged to said banks or societies, and providing for the appointment and payment of attorneys and counselors of such banks and societies.

Referred to Committee on Corporations.

Also, Senate Bill No. 256—An Act to limit and fix the rates and price of gas in all cities within the State of California having a population of one hundred thousand inhabitants or more.

Referred to Committee on Corporations.

By Mr. Reddy: Senate Bill No. 257—An Act to provide for a system of irrigation, and for the organization of irrigation districts.

Referred to Committee on Irrigation, Water Rights, Drainage, and Mining Debris.

By Mr. Foster: Senate Bill No. 258—An Act to amend an Act entitled "An Act supplementary to and amendatory of an Act entitled "An Act to incorporate the Town of Red Bluff, Tehama County, California," approved March 31, 1876, approved February 28, 1878.

Referred to Committee on City, City and County, and Town Governments.

Also, Senate Bill No. 259—An Act respecting the sale by retail of spirituous, malt, and fermented liquors and wines.

Referred to Committee on Public Morals.

By Mr. Johnson: Senate Bill No. 260—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section six hundred and fifty-four *a*, relating to owners and possessors of dogs that kill or damage sheep, and creating a misdemeanor.

Referred to Judiciary Committee.

By Mr. Kelley of Solano (by request): Senate Bill No. 261—An Act to provide for the payment of the claim of William Saunders.

Referred to Committee on Claims.

By Mr. Perry: Senate Bill No. 262—An Act entitled "An Act relating to the cancellation of unapproved applications for lands under the grants of the sixteenth and thirty-sixth sections of lands in lieu thereof, and under the five hundred thousand acre grant."

Referred to Committee on Public Lands.

## FIRST READING OF BILLS.

Senate Bill No. 49—An Act to provide an industrial department for deaf, dumb, and blind.

Read first time, and placed on file for second reading.

Senate Bill No. 117—An Act to amend the Constitution.

Upon the question: "Shall the bill be read the first time?" the ayes and noes were demanded by Messrs. Perry, Routier, and Fraser.

Roll called, with the following result:

AYES—Messrs. Chandler, Cox, Dougherty, Fraser, Harrigan, Keating, Kelly of San Francisco, Kelley of Solano, McClure, Nelson, Perry, Reddy, Routier, Ryan, Steele, Vrooman, and Whitney—17.

NOES—Messrs. Baldwin, Cross, Del Valle, Dudley, Foster, Kellogg, Lynch, Maddox, Murphy, Reynolds, Spencer of Stanislaus, and Taylor—12.

So ordered, and the bill was read first time and placed on file.

Senate Bill No. 140—An Act to amend the Constitution.

Read first time, and placed on file for second reading.

Senate Bill No. 175—An Act to amend section one thousand five hundred and forty-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the lapsing of schools.

First reading refused.

## SECOND READING OF BILLS.

Senate Bill No. 72—An Act to provide for the custody of insane criminals and persons charged with crime.

On motion of Mr. Spencer of Stanislaus, this bill was passed on the file temporarily.

## RESOLUTIONS.

By Mr. Dougherty:

*Resolved*, That the Committee on Public Printing be and is hereby directed to institute an inquiry into the cost of compiling and publishing free text-books by the State, the comparative cost of text-books now used in the public schools, with the cost of the same under State auspices, and to report the result of such inquiry to the Senate at an early day.

Adopted.

By Mr. Spencer of Stanislaus: Senate Joint Resolution No. 3—Relative to securing from Congress an increase of the time for which the Commissioners of Yosemite Valley and Mariposa Big Tree Grove may grant leases to property therein.

Referred to Committee on Yosemite Park and Big Tree Grove.

By request of Mr. Lynch, the committee report on Senate Bill No. 109 was withdrawn, and the bill returned to the author.

## THIRD READING OF BILLS.

Senate Bill No. 46—An Act to amend sections one hundred and four, one hundred and five, and one hundred and six of the Code of Civil Procedure, relating to Justices of the Peace and Justices' Courts.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Fraser, Johnson, Keating, Kelly of San Francisco, Lynch, Maddox, McClure, Murphy,

Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Stanislaus, Steele, Vrooman, and Whitney—26.

NOES—Mr. Taylor—1.

Title read and approved.

Senate Bill No. 34—An Act to amend section sixty of "An Act to establish a Civil Code," approved March 21, 1872, relating to void and illegal marriages.

Mr. Routier moved to recommit to the Judiciary Committee, with instructions to amend by inserting a substitute repealing the entire section.

Lost.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Chandler, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Taylor, Vrooman, and Whitney—29.

NOES—Mr. Routier—1.

Title read and approved.

Senate Bill No. 83—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new section thereto, relating to the commencement of actions upon any claim or demand before a Justice of the Peace with whom such a claim or demand has been previously left for collection, or who has been consulted thereon.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Cross, Del Valle, Dougherty, English, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Maddox, McCarthy, McClure, Murphy, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Steele, Taylor, Vrooman, and Whitney—27.

NOES—Messrs. Dudley and Nelson—2.

Title read and approved.

Senate Bill No. 100—An Act to amend section one thousand six hundred and sixty-six of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to settlements of estates of deceased persons.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cross, Del Valle, Dougherty, Dudley, English, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Maddox, McClure, Nelson, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Taylor, and Vrooman—27.

NOES—Messrs. Keating, Murphy, and Whitney—3.

Title read and approved.

#### MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 1, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 21, relative to requesting our Senators and Representatives in Congress to use all honorable means to defeat the bill now pending in Congress for the purpose of allowing the Southern Pacific Railroad to be merged with other railroad corporations.

M. C. HALEY, Chief Clerk.  
By G. W. HERBERT, Assistant Clerk.

Mr. Del Valle moved to place this resolution on the first reading file for to-morrow.

Pending discussion on this motion, the hour of recess arrived, and the President declared a recess.

#### REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Taylor, Vrooman, and Whitney.

Quorum present.

Mr. Sullivan granted one day's leave of absence.

#### SPECIAL ORDER.

Special order, Thursday, February first, two o'clock P. M.: Senate Bill No. 67—An Act authorizing the transfer of the cabinet of minerals in the State Library to the State Mining Bureau.

After debate, the ayes and noes were demanded on the motion to reconsider the vote by which the bill was refused engrossment.

The roll was called, with the following result:

AYES—Messrs. Cross, Del Valle, Dougherty, Harrigan, Keating, Kelly of San Francisco, Kellogg, McClure, Reddy, Spencer of Napa, Vrooman, and Whitney—12.

NOES—Messrs. Baldwin, Chandler, Cox, Cronan, Dudley, English, Foster, Fraser, Johnson, Lynch, Maddox, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Stanislaus, Steele, and Taylor—19.

Lost.

#### ASSEMBLY MESSAGE.

The ayes and noes were demanded on the motion of Mr. Del Valle to place Assembly Concurrent Resolution No. 21 on the file for first reading, by Messrs. Spencer of Napa, Spencer of Stanislaus, and Taylor.

The roll was called, with the following result:

AYES—Messrs. Baldwin, Chandler, Cox, Del Valle, English, Foster, Johnson, Lynch, Maddox, Reddy, Reynolds, Routier, Spencer of Napa, Spencer of Stanislaus, Steele, and Taylor—16.

NOES—Messrs. Cronan, Cross, Dougherty, Dudley, Fraser, Harrigan, Keating, Kelly of San Francisco, Kellogg, McCarthy, McClure, Nelson, Perry, Ryan, Vrooman, and Whitney—16.

The President announced that a two-thirds vote would be necessary to carry this motion, and declared it lost.

Assembly Concurrent Resolution No. 21—Referred to Committee on Federal Relations.

#### ADJOURNMENT.

At three o'clock P. M., on motion of Senator Ryan, the Senate adjourned until Saturday, February third, eighteen hundred and eighty-three.

## IN SENATE.

SENATE CHAMBER,  
Saturday, February 3, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names :

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Filcher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Routier, Ryan, Spencer of Stanislaus, Steele, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of Thursday read and approved.

Leave of absence was granted to Senators McClure, Reynolds, and Sullivan, for one day.

## REPORTS OF STANDING COMMITTEES.

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 3, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration Senate Bill No. 121—Entitled "An Act to repeal an Act entitled 'An Act to provide an additional Judge of the Superior Court for the County of Mono,' approved April 16, 1880"—and do now report the same back to the Senate, and recommend its passage.

Also, Senate Bill No. 40—Entitled "An Act to amend section four hundred and ninety-six of the Penal Code"—and do now report the same back with a substitute therefor, and recommend the passage of the substitute.

Also, Senate Bill No. 110—Entitled "An Act to amend section eight hundred and fifty three of an Act to establish a Political Code, approved March 12, 1872, relating to the absence of State officers from the State"—and do now report the same back to the Senate, and recommend its passage.

Also, Senate Bill No. 186—Entitled "An Act to amend section three hundred and eighty-eight of an Act entitled an Act to establish a Civil Code, approved March 21, 1872, relating to satisfaction of judgment against and sale of franchise owned by corporations, associations, or other persons"—and do now report the same back to the Senate with an amendment thereto, and recommend its passage as amended.

Also, Senate Bill No. 18—Entitled "An Act to incorporate religious societies"—and do now report the same back to the Senate with the recommendation that it do not pass.

Also, Senate Bill No. 17—Entitled "An Act to amend an Act entitled an Act to establish a Code of Civil Procedure, approved March 11, 1872, by adding a new section thereto, to be known and numbered as section one thousand four hundred and eight, relative to reducing the bonds of executors and administrators in case of certain deposits being made, and also relative to the custody and control of such deposits and the liability of depositories"—and do now report the same back to the Senate with amendments, as directed, and without recommendation.

Also, Senate Bill No. 19—Entitled "An Act to regulate the fees of Clerks of Superior Courts in the State of California"—and do now report the same back to the Senate, and recommend its reference to the Committee on Counties, County Governments, and Township Organization.

So referred.

Also, Senate Bill No. 20—Entitled "An Act relating to the appointment of receivers of corporations"—and do now report the same back to the Senate with amendments thereto and to the title thereof, and recommend its passage as amended.

Also, Senate Bill No. 21—Entitled "An Act to amend an Act entitled 'An Act to establish a Civil Code,' approved March 21, 1872, by adding a new section thereto, to be known as section three hundred and nine a, relating to suits by stockholders of corporations"—and do now report the same back to the Senate, with an amendment thereto, and recommend its passage as amended.

CROSS, Chairman.



## ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 3, 1883.

MR. PRESIDENT: Your committee to whom was referred Senate Bill No. 170—Entitled "An Act to amend section six hundred and twenty-six, and to repeal section six hundred and twenty-seven of the Penal Code," relating to the destruction of game—have had the same under consideration, and now report the same back, and recommend its passage.

Also, Senate Bill No. 182—Entitled "An Act to prevent persons passing through inclosures and leaving them open, by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California," approved March 23, 1876—have had the same under consideration, and now report the same back, and recommend its passage.

Also, Senate Bill No. 183—Entitled an Act to amend section four thousand and forty-six of the Political Code of California—have had the same under consideration, and now report the same back, and recommend its passage.

FOSTER, Chairman.

## INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Ryan: Senate Bill No. 263—An Act to amend section five hundred and fourteen of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to wagon road corporations.

Referred to Committee on Roads and Highways.

By Mr. Perry: Senate Bill No. 264—An Act to amend section two thousand and eighteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to time of parades.

Referred to Committee on Military Affairs.

By Mr. Reddy: Senate Bill No. 265—An Act to amend section one hundred and ninety-eight of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the qualification of jurors.

Referred to Judiciary Committee.

By Mr. Spencer of Stanislaus: Senate Bill No. 266—An Act to amend sections seven hundred and seventy-eight, seven hundred and seventy-nine, seven hundred and eighty, and seven hundred and eighty-one of the Political Code of the State of California, in relation to printing the reports of the Supreme Court of the State, and to repeal section seven hundred and eighty-two of the same Code.

Referred to Committee on Public Printing.

By Mr. Cronan: Senate Bill No. 267—An Act amendatory of an Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream, approved March 26, 1868, declaring Islais Creek, in the City and County of San Francisco, a navigable stream of the State, from its mouth in the Bay of San Francisco, established by the State Board of Harbor Commissioners, to the southerly end of its channel, as per Gift Map No. Four, recorded in the office of the County Recorder of the City and County of San Francisco, December thirty-first, eighteen hundred and sixty-one, in Map Book No. Two.

Referred to Committee on Commerce and Navigation.

## FIRST READING OF BILLS.

Senate Bill No. 107—An Act to appropriate money to pay the claim of W. F. Boardman, Sherman Day, and Grant I. Taggart, for services as Commissioners in the action of The People of the State of California ex rel. Jo Hamilton, Attorney-General, vs. A. P. Pfeiffer et al., in Third District Court for Alameda County.

Read first time, and placed on file for second reading.

On motion of Mr. Whitney, this bill was referred to the Judiciary Committee.

Senate Bill No. 156—An Act to amend section three hundred and forty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, known as the Civil Code, relative to the collection of delinquent assessments levied by corporations.

Read first time, and placed on file for second reading.

Assembly Bill No. 39—An Act to repeal section five hundred and five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to street railroad corporations.

Read first time, and placed on file for second reading.

Assembly Bill No. 82—An Act to pay the claim of James Saultry.

Read first time, and placed on file for second reading.

#### SECOND READING OF BILLS.

Senate Bill No. 106—An Act to amend section six hundred and thirteen of the Civil Code of the State of California, relating to cemetery corporations.

Read second time, amendment by the committee adopted, and the bill ordered engrossed.

Senate Bill No. 72—An Act to provide for the custody of insane criminals and persons charged with crime.

Read second time; amendment by the committee adopted.

Mr. Kellogg moved to amend by inserting the words "five hundred" in lieu of the words "twenty thousand," in line one of section one.

The ayes and noes were demanded on the motion, by Messrs. Kellogg, Lynch, and Harrigan.

The roll was called, with the following result:

AYES—Messrs. English, Filcher, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Lynch, McCarthy, Murphy, Taylor, and Wolfskill—11.

NOES—Messrs. Chandler, Cox, Cronan, Cross, Dougherty, Dudley, Foster, Maddox, McClure, Nelson, Perry, Reddy, Routier, Spencer of Stanislaus, Steele, Vrooman, Wallis, and Whitney—18.

Amendment lost.

Mr. Kellogg moved to amend, by adding the following:

Section 3. This Act shall take effect on the first day of January, eighteen hundred and eighty-seven.

Amendment lost.

Mr. Kellogg moved to amend, by striking out the enacting clause of the bill.

After debate, the ayes and noes were demanded on this motion.

Roll called, with the following result:

AYES—Messrs. Cross, Filcher, Foster, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, McCarthy, Murphy, Nelson, Reddy, Ryan, Steele, Taylor, and Wolfskill—17.

NOES—Messrs. Chandler, Cox, Del Valle, Dougherty, Dudley, English, Maddox, McClure, Perry, Routier, Spencer of Stanislaus, Vrooman, Wallis, and Whitney—14.

Carried.

Senate Bill No. 49—An Act to provide an industrial department for deaf, dumb, and blind.

Read second time, and ordered engrossed.

Senate Bills Nos. 117 and 140, on motion of Mr. Perry, were made a special order for Wednesday, February seventh, eighteen hundred and eighty-three, at two o'clock P. M.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Mr. McCarthy: Senate Bill No. 268—An Act relative to the granting of State aid to benevolent or other associations.

Referred to Judiciary Committee.

Also, Senate Bill No. 269—An Act to provide and pay for services rendered for the State of California by John Marty, Albert Grubbs, and Theodore Dosh.

Referred to Committee on Claims.

#### SPECIAL ORDERS.

Senate Bill No. 30 was made a special order for Tuesday, February sixth, eighteen hundred and eighty-three, at two o'clock P. M.

The motion to reconsider the vote on Senate Bill No. 57 was made a special order for Tuesday, February sixth, eighteen hundred and eighty-three, at two o'clock and thirty minutes P. M.

Mr. Steele gave notice that, on Monday, he should move for a reconsideration of the vote by which the enacting clause was stricken out of Senate Bill No. 72.

#### MESSAGES FROM THE GOVERNOR.

The following message was received:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
SACRAMENTO, CAL., February 1, 1883. }

*To the honorable Senate and Assembly of the State of California:*

I herewith transmit to your honorable bodies a report of the State Engineer on a plan for the sewerage of the Deaf, Dumb, and Blind Asylum, and the State University, made in accordance with Senate Concurrent Resolution No. 7.

In connection with this subject, I call your attention to the following facts, and make some suggestions which seem fitting:

The water supply, sewerage, ventilation, and heating of the buildings of public institutions—such as the Insane Asylums, the Prisons, the Blind Asylum, the University, the Normal Schools, and the Capitol building—the water supply, drainage, and general improvement of the grounds about the buildings of these institutions, and the general improvement of the Yosemite Valley, are all subjects calling for engineering consideration and treatment, on which the Legislature is asked to act in some way at each session, concerning which the Governor, as ex officio member of most of the Boards of control, is continually called upon to pass judgment and act, and on which many thousands of dollars of the State's money are yet to be expended.

The engineering duty in connection with such works should be performed by the State Engineer, and that officer should intimately familiarize himself with the wants of the public institutions in these respects, so that the Governor may at any time be promptly and fully advised on subjects concerning which he has to act as ex officio member of the several Boards of control; and so that the Legislature may have at command (so far as plans and estimates are concerned), in the State Capitol building, all the information necessary upon which to decide the questions which are brought to its notice each session; and, finally, so that the various Boards of control of the public institutions mentioned, may be well advised on engineering subjects, without the expense of employing civil engineers for the purpose.

I shall hereafter avail myself of the services of the State Engineer to collect the information referred to, for my own guidance, and in order that the Legislature may be informed when it meets again.

GEORGE STONEMAN, Governor.

The message and the accompanying report of the State Engineer were referred to the Committee on Public Buildings.

Also, the following:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, CAL., February 3, 1883. }

*To the honorable the Senate of the State of California:*

MR. PRESIDENT: I have to inform you that I have this day appointed A. B. Dibble, of Nevada County, as Fish Commissioner, vice W. W. Traylor, deceased. Also, that I have appointed R. H. Buckingham, of Solano County, as Fish Commissioner, vice J. D. Redding, not confirmed by the Senate, and respectfully ask the consent of the Senate to the same.

GEORGE STONEMAN, Governor.

On motion of Mr. Cross, the consideration of the Governor's appointments was made a special order for Monday, February fifth, eighteen hundred and eighty-three, at two o'clock P. M.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, February 3, 1883.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bills Nos. 51 and 71—have had the same under consideration, and now report the same back, and recommend the passage of Assembly Bill No. 1, as recommended and amended in a meeting of the Committees of the Senate and Assembly on Roads and Highways, in joint session, as a substitute for the above named bills, known as Senate Bills Nos. 51 and 71, and all other bills; the said substitute, as amended, accompanying this report.

FRASER, Chairman.

#### MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, February 3, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the second day of February, eighteen hundred and eighty-three, passed Assembly Bill No. 30—An Act to establish and support a Bureau of Labor Statistics.

M. C. HALEY, Chief Clerk.  
By G. W. HERBERT, Assistant Clerk.

Referred to the Committee on Labor and Capital.

Mr. Filcher asked to be excused from further service on the Committee on State Library.

Granted.

The Chair announced the appointment of Senator Johnson as Chairman of the Committee on Education, vice Taylor, resigned.

Leave of absence to Senator Knight continued until Monday.

Senator Taylor granted leave of absence for one day.

#### RESOLUTION.

By Senator Harrigan:

*Be it hereby resolved*, That Senator Maddox be added to the Committee on State Library, vice Filcher, resigned.

Adopted.

#### REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, February 3, 1883.

MR. PRESIDENT: Your Committee on Judiciary have amended Senate Bills Nos. 2 and 3 in accordance with the directions of the Senate, and herewith report the same as amended.

CROSS, Chairman.

On motion, these bills were ordered reprinted, and restored to their former place on the third reading file.

#### ADJOURNMENT.

At twelve o'clock and fifteen minutes P. M., Senator Del Valle moved that the Senate adjourn, in respect to the memory of Mrs. ex-Governor Downey, recently deceased.

Carried by a unanimous rising vote.

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#### IN SENATE.

SENATE CHAMBER,  
Monday, February 5, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, Filcher, Foster, Fraser, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Senators Taylor and English granted one day's leave of absence.

Journal of Saturday read and approved.

The motion to reconsider the vote by which the enacting clause of Senate Bill No. 72 was stricken out, was made a special order for Wednesday, February seventh, at two o'clock P. M.

#### REPORTS OF STANDING COMMITTEES.

##### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 5, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration Senate Bill No. 36—Entitled "An Act to amend section two hundred and forty-three of an Act to establish a Penal Code," approved February 14, 1872, relating to the punishment of battery—and do now report the same back to the Senate with an amendment thereto, and the majority of the committee recommend its passage as amended. A minority report upon said bill is herewith submitted.

##### MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 5, 1883.

MR. PRESIDENT: The undersigned, a minority of your Committee on Judiciary, beg leave to report that they dissent from the opinion of the majority of said committee, in reference to Senate Bill No. 36—Entitled "An Act to amend section two hundred and forty-three of an Act to establish a Penal Code, approved February 14, 1872, relating to the punishment of battery, and to battery on a wife"—and recommend that it do not pass.

W. W. KELLOGG,  
C. W. CROSS,  
HENRY VROOMAN.



Also, Senate Bill No. 37—Entitled "An Act to amend the Penal Code," relative to writ of habeas corpus—and do now report the same back to the Senate, and recommend that it do not pass.

Also, Senate Bill No. 98—Entitled an Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known as section six hundred and sixty-three, relating to proceedings for new trials—and do now report the same back to the Senate, with an amendment thereto, and recommend its passage as amended.

Also, Senate Bill No. 99—Entitled "An Act to amend section six hundred and forty-nine of an Act entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, relating to bills of exception"—and do now report the same back to the Senate, and recommend its passage.

Also, Senate Bill No. 120—Entitled "An Act to amend an Act entitled 'An Act to establish a Political Code,' approved March 12, 1872, by adding a new section thereto, to be known as section three thousand eight hundred and seventeen, relating to revenue and the collection of property taxes and redemptions from sales therefor"—and do now report the same back to the Senate, and recommend its passage.

Also, Senate Bill No. 164—Entitled "An Act to create a permanent Code Commission"—and do now report the same back to the Senate, with amendments thereto, and recommend its passage as amended.

Also, Senate Bill No. 166—Entitled "An Act to amend section twenty-three of an Act entitled 'An Act to regulate fees and salaries of certain officers, and to repeal certain other Acts in relation thereto,' approved March 5, 1870, relative to fees of office and salaries of certain officers"—and do now report the same back to the Senate, and recommend its reference to the Committee on Counties, County Governments, and Township Organization.

So referred.

Also, Senate Bill No. 167—Entitled "An Act to amend an Act entitled 'An Act to amend an Act to regulate the fees of office,' approved March 5, 1870, approved April 4, 1870, relating to the official fees and charges of Justices of the Peace"—and do now report the same back to the Senate and recommend its reference to the Committee on Counties, County Governments, and Township Organization.

So referred.

Also, Senate Bill No. 169—Entitled "An Act to amend section two hundred and four of an Act entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, relative to the method of selecting and returning jurors"—and do now report the same back to the Senate and recommend its passage.

CROSS, Chairman.

#### ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, February 5, 1883.

MR. PRESIDENT: Your Committee on Military Affairs, to whom was referred Senate Bills Nos. 115 and 116, have had the same under consideration, and now report the same back, and recommend that they do pass.

McCARTHY, Chairman.

#### ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 5, 1883.

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Assembly Concurrent Resolution No. 14—Relative to requesting our Senators and instructing our Representatives in Congress to use their influence to enact a law creating a permanent Commission of Transportation, to inquire into certain freights and fare charges—have had the same under consideration, and report the same back, and recommend that it do not pass.

LYNCH, Chairman.

#### ON FEDERAL RELATIONS.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 6—Relative to the electing the President and Vice-President by a direct vote of the people—have had the same under consideration, and now report the same back, with recommendation that it do not pass.

Also, Assembly Concurrent Resolution No. 1—Relative to restricting Chinese immigration—now report the same back, with recommendation that it do pass.

Also, Assembly Concurrent Resolution No. 15—Concerning litigation to determine the title to Mussel Slough lands in Tulare and Fresno Counties—now report the same back, and recommend its passage.

Also, Assembly Concurrent Resolution No. 13—Relative to instructing our Senators and requesting our Representatives in Congress to use their influence to restore to the public domain all lapsed land grants to railroads—now report the same back, and recommend its passage.

Also, Assembly Joint Resolution No. 1—Relative to requesting our Congressmen to aid in the passage of the Mexican veteran pension bill—now report the same back, and recommend its passage.

BALDWIN, Chairman.

ON LABOR AND CAPITAL.

MR. PRESIDENT: Your Committee on Labor and Capital have had under consideration Assembly Bill No. 27—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand two hundred and seven, providing the manner in which preferred labor claims may be disputed—and report the same back, and recommend its passage.

DOUGHERTY, Chairman.

ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 5, 1883.

MR. PRESIDENT: Your Committee on Engrossment, to whom was referred Senate Bills No. 49 and 106, have examined the same, and find them properly engrossed.

NELSON, Chairman.

ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 5, 1883.

MR. PRESIDENT: The Committee on Finance, to whom was referred Senate Bill No. 130—An Act appropriating money for the completion of the Branch Normal School building at Los Angeles, and for the improvement of the grounds about the same.

Also, Senate Bill No. 196—An Act to provide for the purchase of certain portraits by the State Board of Examiners, and to appropriate money therefor.

Have had the same under consideration, and report the same back to the Senate, and recommend that they do pass as amended.

MURPHY, Chairman.

Several petitions from dairymen and others were presented by Mr. Steele, and referred to the Committee on Agriculture, without reading.

RESOLUTION—(OUT OF ORDER).

By Mr. Spencer of Napa:

*Resolved*, That J. F. Toomey be allowed and paid out of the Contingent Fund of the Senate the sum of sixty-five (65) dollars, as and for the expenses on the part of the Senate due the said Toomey, for his expenses and costs in the matter of hack hire incurred by the Committee on Inauguration.

Referred to Committee on Contingent Expenses and Mileage.

ADJOURNMENT.

At two o'clock and ten minutes P. M., on motion of Mr. Baldwin, the Senate adjourned.

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IN SENATE.

SENATE CHAMBER,  
Tuesday, February 6, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English,

Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of yesterday read and approved.

Special Order, Tuesday, February sixth—Consideration of Governor's message, relative to appointments.

Upon motion of Senator Ryan, the Senate went into executive session to consider the Governor's appointments.

Upon the question: "Does the Senate advise and consent to the appointment of A. B. Dibble as Fish Commissioner, vice W. W. T aylor, deceased?" the roll was called, with the following result:

AYES—Messrs. Chandler, Cox, Cross, Del Valle, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Steele, Vrooman, Whitney, and Wolfskill—26.

NOES—None.

Whereupon the Chair announced the appointment of A. B. Dibble as Fish Commissioner, as duly confirmed.

Mr. Ryan moved that the consideration of the appointment of R. H. Buckingham as Fish Commissioner be made a special order for Wednesday, February seventh, after two o'clock P. M.

Roll-call demanded.

Roll called, with the following result:

AYES—Messrs. Chandler, Cox, Cross, Del Valle, Dudley, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Reddy, Reynolds, Ryan, Steele, Vrooman, and Wolfskill—23.

NOES—Messrs. Perry, Routier, and Whitney—3.

Carried.

#### REPORTS OF STANDING COMMITTEES.

##### ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 6, 1883.

MR. PRESIDENT: Your Committee on Engrossment, to whom was referred substitute for Senate Bill No. 2, have examined the same and find it properly engrossed.

NELSON, Chairman.

##### ON COUNTIES, COUNTY GOVERNMENTS, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 6, 1883.

MR. PRESIDENT: Your Committee on Counties, County Governments, and Township Organization, report back Senate Bill No. 238—Entitled "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, by adding a new section thereto, to be known and numbered as section one thousand seven hundred and forty-four, relative to Public Administrators, and the duties of persons having property of deceased persons, or persons presumed to be deceased, which has not been administered upon"—with a substitute therefor, and recommend the passage of the substitute.

SPENCER of Napa, Chairman.

##### ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, February 6, 1883.

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 58—An Act for the protection of the dairy industries of this State, and the consumers of dairy products—have had the same under consideration, and report the same back to the Senate with amendments, and recommend its passage as amended.

Also, Senate Bill No. 42—An Act to regulate the sale of oleomargarine, and to cause the same to be easily distinguished—and recommend that it do not pass.

WOLFskill, Chairman.

## MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the third day of February, A. D. eighteen hundred and eighty-three, passed Assembly Bill No. 176—An Act to amend sections three thousand seven hundred and seventy-one, three thousand seven hundred and eighty-six, and three thousand seven hundred and eighty-seven of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to revenue and taxation, and the method of collection thereof.

M. C. HALEY, Chief Clerk.

By G. W. HEABERT, Assistant Clerk.

Referred to Judiciary Committee.

## INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Chandler: Senate Bill No. 270—An Act to amend section fourteen of an Act entitled "An Act to provide for funding the indebtedness of Levee District Number Two of Sutter County," approved March 9, 1876.

Referred to Committee on Swamp and Overflowed Lands.

By Mr. Steele: Senate Bill No. 271—An Act to provide for presenting the claims of C. F. Reed, E. N. Strout, and A. S. Bender, Reclamation Fund Commissioners, to the Board of Examiners, and for the payment of the same.

Referred to Judiciary Committee.

By Mr. Reddy: Senate Bill No. 272—An Act to provide for the payment of fees and per diem to witnesses in criminal cases.

Referred to Judiciary Committee.

By Mr. Del Valle: Senate Bill No. 273—An Act to define the duties of the Surveyor-General in relation to the selection and location of lands in lieu of the sixteenth and thirty-sixth sections, and parts of said sections, for which the State of California is or may be entitled to indemnity.

Referred to Committee on Public and Swamp and Overflowed Lands.

By Mr. Johnson: Senate Bill No. 274—An Act to amend section seven hundred and ninety-one of the Political Code of California, in relation to Notaries Public.

Referred to Judiciary Committee.

By Mr. Perry (by request): Senate Bill No. 275—An Act for the protection of dairymen and dealers in and consumers of milk, and to prevent deception in the sale thereof.

Referred to Committee on Agriculture.

By Mr. Whitney: Senate Bill No. 276—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to reporters of the Supreme Court and publication of reports.

Referred to Judiciary Committee.

By Mr. Lynch: Senate Bill No. 277—An Act to add two new sections to the Civil Code, concerning savings and loan corporations, to be known as sections five hundred and eighty and five hundred and eighty-one.

Referred to Committee on Corporations.

Also, Senate Bill No. 278—An Act to provide for the appointment



of members of Boards of Health in cities, counties, cities and counties, towns, or municipalities, and to fix their terms.

Referred to Committee on Hospitals.

By Mr. Murphy: Senate Bill No. 279—An Act making an appropriation for a deficiency in the appropriation for postage and expressage in the office of Superintendent of Public Instruction for the thirty-third fiscal year.

Referred to Finance Committee.

Also, Senate Bill No. 280—An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-third fiscal year.

Referred to Finance Committee.

Also, Senate Bill No. 281—An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-second fiscal year.

Referred to Finance Committee.

By Mr. Kellogg: Senate Bill No. 282—An Act to amend section three hundred and thirty-eight of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new section thereto, to be known as section three hundred and forty-nine, relating to the time of commencing actions other than for the recovery of real property.

Referred to Judiciary Committee.

By Mr. Vrooman: Senate Bill No. 283—An Act to appropriate the sum of forty-two thousand eight hundred dollars for the support of certain departments of the College of California, at Berkeley, during the thirty-fifth and thirty-sixth fiscal years.

Referred to Finance Committee.

Also, Senate Bill No. 284—An Act to amend chapter two, title nine, of part one, of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to proceedings supplemental to execution, by adding thereto a new section, to be known as section seven hundred and twenty-two.

Referred to Judiciary Committee.

#### FIRST READING OF BILLS.

Senate Bill No. 18—An Act to incorporate religious societies.

First reading refused.

Senate Bill No. 20—An Act relating to the appointment of receivers of corporations.

Read first time, and placed on file for second reading.

Senate Bill No. 21—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section three hundred and nine *a*, relating to suits by stockholders of corporations.

Read first time, and placed on file for second reading.

Senate Bill No. 40—An Act to amend section four hundred and ninety-six of the Penal Code.

Read first time, and placed on file for second reading.

Senate Bill No. 110—An Act to amend section eight hundred and fifty-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the absence of State officers from the State.

Read first time, and placed on file for second reading.



Senate Bill No. 121—An Act to repeal an Act entitled "An Act to provide an additional Judge of the Superior Court for the County of Mono," approved April 16, 1880.

Read first time, and placed on file for second reading.

Senate Bill No. 186—An Act to amend section three hundred and eighty-eight of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to satisfaction of judgment against and sale of franchise owned by corporations, associations, or other persons.

Read first time, and placed on file for second reading.

Senate Bill No. 170—An Act to amend section six hundred and twenty-six, and to repeal section six hundred and twenty-seven, of the Penal Code, relating to the destruction of game.

Read first time, and placed on file for second reading.

Senate Bill No. 182—An Act to amend an Act entitled "An Act to prevent persons passing through inclosures and leaving them open by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California."

Read first time, and placed on file for second reading.

Senate Bill No. 183—An Act to amend section four thousand and forty-six of the Political Code.

Read first time, and placed on file for second reading.

Senate Bills Nos. 51 and 71—Continued on file until Thursday, February eighth, eighteen hundred and eighty-three.

Senate Bill No. 36—An Act to amend section two hundred and forty-three of an Act to establish a Penal Code, approved February 14, 1872, relating to the punishment of battery and to battery on a wife.

First reading refused.

Senate Bill No. 37—An Act to amend the Penal Code, relative to writ of habeas corpus.

First reading refused.

Senate Bill No. 98—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known as section six hundred and sixty-three, relating to proceedings for new trials.

Read first time and placed on file for second reading.

Senate Bill No. 99—An Act to amend section six hundred and forty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to bills of exceptions.

Read first time, and placed on file for second reading.

Senate Bill No. 120—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as section three thousand eight hundred and seventeen, relating to revenue and the collection of property taxes and redemption from sales therefor.

Withdrawn by the Judiciary Committee.

Senate Bill No. 164—An Act to create a permanent Code Commission.

Read first time, and placed on file for second reading.

Senate Bill No. 169—An Act to amend section two hundred and four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to the method of selecting and returning jurors.

Read first time, and placed on file for second reading.

Senate Bill No. 115—An Act entitled "An Act to amend section one thousand nine hundred and sixty-two of an Act to establish a Political Code," approved March 12, 1872, relative to number of officers and privates of companies.

Read first time, and placed on file for second reading.

Senate Bill No. 116—An Act entitled "An Act to amend section one thousand nine hundred and sixty-five of an Act to establish a Political Code," approved March 12, 1872, relative to bonds to secure the State against loss of property or company funds, etc.

Read first time, and placed on file for second reading.

Senate Bill No. 130—An Act appropriating money for the completion of the Branch Normal School building at Los Angeles, and for the improvement of the grounds about the same.

Read first time, and placed on file for second reading.

Senate Bill No. 196—An Act to provide for the purchase of certain portraits by the State Board of Examiners, and to appropriate money therefor.

Read first time, and placed on file for second reading.

Assembly Bill No. 27—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand two hundred and seven, providing the manner in which preferred labor claims may be disputed.

Read first time, and placed on file for second reading.

Assembly Concurrent Resolution No. 14—Relative to requesting our Senators and instructing our Representatives in Congress to use their influence to enact a law creating a permanent Commission of Transportation, to inquire into certain freight and fare charges.

Passage refused.

Assembly Concurrent Resolution No. 1—Relating to the law restricting Chinese immigration, and its construction by the officers of the General Government.

On motion of Mr. Whitney, the word "unauthorized," at the beginning of line four, was stricken out, and the resolution, as amended, was adopted.

Assembly Concurrent Resolution No. 6—Relative to the election of a President by a direct vote of the people.

Passage refused.

Assembly Concurrent Resolution No. 13—Relative to instructing our Senators and requesting our Representatives in Congress to use their influence to restore to the public domain all lapsed land grants to railroads.

Adopted.

Assembly Concurrent Resolution No. 15—Relative to litigation to determine the title to Mussel Slough lands in Fresno and Tulare Counties, California.

Adopted.

Assembly Joint Resolution No. 1—Relative to the Mexican veteran pension bill.

Read first time, and placed on file for second reading.

#### SECOND READING OF BILLS.

Senate Bill No. 17—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known and numbered as section

one thousand four hundred and eight, relative to reducing the bonds of executors and administrators, in case of certain deposits being made, and also relative to the custody and control of such deposits, and the liability of depositaries.

Second reading refused, by a vote of ten ayes and eleven noes, on a division of the Senate.

Senate Bill No. 156—An Act to amend section three hundred and forty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, known as the Civil Code, relative to the collection of delinquent assessments levied by corporations.

Read second time, and ordered engrossed.

Assembly Bill No. 39—An Act to repeal section five hundred and five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to street railroad corporations.

Read second time, section one amended by striking out all after the word "fare," in line twenty-five (line eleven of printed bill), and the bill as amended placed on file for third reading.

Assembly Bill No. 82—An Act to pay the claim of James Saultry.

Read second time, and placed on file for third reading.

#### MOTIONS, RESOLUTIONS, ETC.

By Mr. Perry:

*Resolved*, That the Committee on Education be and is herewith authorized to examine into and report at an early date the cost of publishing to the State of a uniform series of text-books, and the cost, as near as possible, of publishing text-books under the present system, and for that purpose to summon such witnesses as may be necessary.

Moved, by Mr. Murphy, to amend by referring to Committee on Public Printing.

Resolution, as amended, adopted.

#### THIRD READING OF BILLS.

Senate Bill No. 106—An Act to amend section six hundred and thirteen of the Civil Code of the State of California, relating to cemetery corporations.

Read third time, and passed by the following vote:

AYES—Messrs. Chandler, Cox, Cronan, Cross, Del Valle, Dudley, English, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Langford, Lyneb, Maddox, McClure, Murphy, Nelson, Perry, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Vrooman, and Whitney—27.

NOES—Messrs. Dougherty, Fileher, and Routier—3.

Title read and approved.

Mr. Nelson gave notice that on the following day he should move for a reconsideration of the vote by which this bill was passed.

Senate Bill No. 49—An Act to provide an industrial department for deaf, dumb, and blind.

Pending the discussion of the question as to whether this bill should be read the third time, the hour having arrived, the President declared a recess.

#### REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Filcher, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Special order for two o'clock postponed until after the disposition of Senate Bill No. 49.

Mr. Johnson moved to recommit the bill to the Committee on Education, with instructions to amend, by making the amount of the appropriation "two thousand five hundred dollars" in lieu of "seven thousand five hundred."

Amendment lost, and the bill passed by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Del Valle, Dougherty, Dudley, English, Fraser, Harrigan, Kellogg, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Vrooman, Wallis, and Whitney—26.

NOES—Messrs. Filcher, Foster, Johnson, Kelly of San Francisco, Knight, Langford, Lynch, Maddox, Reynolds, Taylor, and Wolfskill—11.

Title read and approved.

#### SPECIAL ORDER.

Motion to reconsider the vote by which Senate Bill No. 57—An Act to amend sections three thousand four hundred and ninety-five and three thousand five hundred of the Political Code, relating to public lands of the State, was refused passage.

Ayes and noes demanded on the motion by Messrs. Spencer of Napa, English, and Kellogg.

Roll called, with the following result:

AYES—Messrs. Baldwin, Chandler, Cox, Del Valle, Dougherty, Dudley, English, Harrigan, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Reynolds, Ryan, Spencer of Napa, Sullivan, Taylor, Vrooman, and Whitney—23.

NOES—Messrs. Cronan, Filcher, Foster, Fraser, Johnson, Murphy, Nelson, Perry, Reddy, Routier, Spencer of Stanislaus, Steele, and Wolfskill—13.

Carried.

Mr. Kellogg moved to recommit the bill to the Committee on Swamp and Overflowed Lands, with instructions to amend.

After extended debate, the motion was lost.

Passage of the bill refused by the following vote:

AYES—Messrs. Del Valle, Dougherty, English, Kelley of Solano, Knight, Spencer of Napa, Taylor, and Vrooman—8.

NOES—Messrs. Chandler, Cronan, Dudley, Filcher, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Stanislaus, Steele, Sullivan, Wallis, Whitney, and Wolfskill—27.

#### ADJOURNMENT.

At four o'clock and forty minutes P. M., on motion of Mr. Spencer of Napa, the Senate adjourned.



## IN SENATE.

SENATE CHAMBER,  
Wednesday, February 7, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Filcher, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of yesterday read and approved.

## PETITIONS.

By Mr. Sullivan: Memorial from the California Silk Culture Association.

Ordered printed.

## REPORTS OF STANDING COMMITTEES.

## ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 7, 1883.

MR. PRESIDENT: Your Committee on Hospitals and Asylums have had under consideration Senate Bill No. 132—relative to the regulation of plumbing and drainage—and respectfully submit the same without recommendation.

Also, Senate Bill No. 176—To regulate the practice of pharmacy—and report the same back, with a recommendation that it do not pass.

Also, Senate Bill No. 93—To prevent the adulteration of food and drugs—and report the same back, with a recommendation that it do not pass.

Also, Senate Bill No. 242—For the regulation of the boarding of infant children—and report the same back, with a recommendation that it be passed.

KNIGHT, Chairman.

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 7, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration Senate Bill No. 77—Entitled "An Act to amend sections six hundred and thirty-three and six hundred and thirty-four of the Code of Civil Procedure, relating to findings"—and do now report the same back to the Senate, and recommend that it do not pass.

Also, Senate Bill No. 94—Entitled "An Act to facilitate the giving of bonds required by law"—and do now report the same back to the Senate, and recommend that it do not pass.

Also, Senate Bill No. 218—Entitled an Act to add two new sections to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to foreign corporations, said sections to be known as sections four hundred and four and four hundred and five of said Code—and do now report the same back to the Senate, and recommend that it do not pass.

Also, Senate Bill No. 228—Entitled "An Act to provide for the submission of proposed amendments to the Constitution of the State of California to the qualified electors for their approval"—and do now report the same back to the Senate, and recommend its passage.

Also, Senate Bill No. 141—Entitled an Act to amend section five hundred and ninety-three of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872—and do now report the same back to the Senate, and recommend its passage.

Also, Senate Bill No. 190—Entitled an Act to amend section three thousand and fifty-one of the Civil Code, relating to liens, and to provide for the manner of collecting and discharging such liens on certain personal property—and do now report the same back to the Senate, and recommend its passage.

Also, Assembly Concurrent Resolution No. 7—Relative to bills which take effect immediately after they are approved by the Governor—and do now report the same back to the Senate, and recommend its adoption.



Also, Assembly Bill No. 7—Entitled "An Act to amend section one thousand seven hundred and fifty-one of the Code of Civil Procedure, relating to guardians of minors," and do now report the same back to the Senate and recommend its passage.

Also, Assembly Bill No. 8—Entitled "An Act to amend section one thousand seven hundred and seventy-four of the Code of Civil Procedure, relating to the powers and duties of guardians," and do now report the same back to the Senate, and recommend that it do not pass.

Also, Senate Bill No. 23—Entitled "An Act to amend sections one thousand and sixty-eight and one thousand and seventy-four of an Act to establish a Code of Civil Procedure," approved March 11, 1872, providing when and by what Courts the writ of certiorari may be granted, and matters may be reviewed under such writ, and do now report the same back to the Senate and recommend its passage.

CROSS, Chairman.

#### MINORITY REPORT.

February 7, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration Senate Bill No. 23—Entitled "An Act to amend sections one thousand and sixty-eight and one thousand and seventy-four of an Act to establish a Code of Civil Procedure," approved March 11, 1872, providing when and by what Courts the writ of certiorari may be granted, and what matters may be reviewed under such writ.

The undersigned, a minority of said committee, dissent from the opinion of the majority in relation to said bill, and recommend that it do not pass.

W. W. KELLOGG.

C. W. CROSS.

#### ON FEDERAL RELATIONS.

SENATE CHAMBER, February 7, 1883.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Joint Resolution No. 2 and Assembly Concurrent Resolution No. 21, offer a substitute in lieu of both, and recommend its passage.

JOHN DOUGHERTY.

H. W. WALLIS.

WILLIAM CRONAN.

SENATE CHAMBER, SACRAMENTO, February 7, 1883.

MR. PRESIDENT: The undersigned, a member of the Committee on Federal Relations, respectfully submits the following minority report, and urgently recommends the passage of Senate Joint Resolution No. 2 and Assembly Concurrent Resolution No. 21, and for the following reasons:

*First*—The effect of the consolidation authorized by the bill now before Congress, would be to deprive this State of the power of taxing the franchise of the Southern Pacific Railroad Company, and might be to divest it of the power to regulate the freights and fares of said company.

*Second*—Said consolidation is practically unlimited in extent, and would confer upon the consolidated line of railroads enormous rights, powers, privileges, and franchises not now enjoyed by any one of the companies that may so consolidate. The extent of these rights, powers, privileges, and franchises it is impossible now to determine.

*Third*—Said consolidation might revive the lapsed, forfeited, and unearned railroad land grants of the Texas Pacific and other railroad companies, which lapsed, forfeited, and unearned railroad grants amount to millions of acres; and,

*Fourth*—Such consolidation would be detrimental to the interests of the State of California.

F. T. BALDWIN.

On motion of Mr. Del Valle, the consideration of these reports, and the subject-matter concerned, were made a special order for Thursday, February eighth, eighteen hundred and eighty-three, at two o'clock P. M.

#### ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 7, 1883.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 6, now report the same back, and recommend its passage.

BALDWIN, Chairman.

#### PETITION—(OUT OF ORDER).

By Mr. Vrooman:

ALAMEDA, February 3, 1883.

To the honorable the Legislature of the State of California:

GENTLEMEN: The undersigned, members of the Board of Town Trustees of Alameda, hereby respectfully petition your honorable body for the speedy enactment of a bill providing for the

improvement of streets and the construction of sewers within municipalities, and further we would suggest that Senate Bill No. 50 would meet our requirements.

J. M. GRAY.  
C. A. EDSON.  
LOUIS MEYER.  
WILLIAM SIMPSON.

Referred to Committee on City, City and County, and Town Governments.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 6, 1883. }

*To the honorable the Senate of the State of California:*

MR. PRESIDENT: I have to inform you that I have this day appointed W. W. Smith, of San Bernardino County, Brigadier-General of First Brigade, N. G. C., vice C. W. C. Rowell; James A. Shepherd, of San Joaquin County, Brigadier-General Third Brigade, N. G. C., vice Thomas E. Ketchum; John T. Carey, of Sacramento County, Brigadier-General Fourth Brigade, N. G. C., vice L. Tozer, not confirmed by the Senate, and respectfully ask the consent of the Senate to the same.

GEORGE STONEMAN, Governor.

The consideration of appointments contained in the message was made a special order for Friday, February ninth, eighteen hundred and eighty-three, at two o'clock P. M.

#### MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 6, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, —, 1883, passed Senate Bill No. 1—An Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to Sunday amusements where liquors are sold, and keeping open places of business on Sunday.

M. C. HALEY, Chief Clerk.  
By G. W. HERBERT, Assistant Clerk.

#### INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Filcher: Senate Bill No. 285—An Act to amend sections three thousand six hundred and sixty-four, three thousand six hundred and sixty-five, and three thousand seven hundred and thirty-four, and to add six new sections, to be numbered three thousand six hundred and sixty-six, three thousand six hundred and sixty-seven, three thousand six hundred and sixty-eight, three thousand six hundred and sixty-nine, three thousand six hundred and seventy, and three thousand seven hundred and seventy-one, to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to repeal a portion of section three thousand six hundred and fifty of said Act, the amendment of the sections, the new sections, and the repeal of portion of section three thousand six hundred and fifty, all relating to revenue, and particularly to the assessment of railways by the State Board of Equalization, and the collection of State and county and city and county taxes due upon such assessment.

Referred to Finance Committee.

By Mr. Knight: Senate Bill No. 286—An Act to amend sections seventy-six and one thousand three hundred and thirty-three of the Code of Civil Procedure.

Referred to Judiciary Committee.

Also, Senate Bill No. 287—An Act to appropriate money for the purchase of caligraphs for the use of teachers and students residing at the asylum for the deaf, dumb, and blind.

Referred to Finance Committee.

By Mr. Sullivan (by request): Senate Bill No. 288—An Act authorizing and directing the regents of the University of California to convey certain lands.

Referred to Judiciary Committee.

By Mr. Kelley of Solano: Senate Bill No. 289—An Act to amend section one thousand six hundred and thirteen of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to requiring persons confined in the county jail to perform labor on the public works or ways of the county.

Referred to Judiciary Committee.

Also, Senate Bill No. 290—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding new sections thereto, to be known as sections three thousand four hundred and seventy-seven and three thousand four hundred and seventy-eight, relative to public nuisances.

Referred to Committee on Corporations.

By Mr. Baldwin: Senate Bill No. 291—An Act to provide that each city having a volunteer fire department, shall pay to each active member of such volunteer fire department the sum of two dollars per annum.

Referred to Judiciary Committee.

#### FIRST READING OF BILLS.

Senate Bill No. 238—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known and numbered as section one thousand seven hundred and forty-four, relative to Public Administrators, and the duties of persons having property of deceased persons, or persons presumed to be deceased, which has not been administered upon.

Read first time, and placed on file for second reading.

Ordered that the substitute for this bill be printed.

Senate Bill No. 42—An Act to regulate the sale of oleomargarine, and to cause the same to be easily distinguished.

Read first time, and placed on file for second reading.

Senate Bill No. 58—An Act for the protection of the dairy industry of this State and the consumers of dairy products.

Mr. Vrooman moved to refer this bill to the Judiciary Committee.

Lost.

Read first time, and placed on file for second reading.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Lynch:

*Resolved*, That the State Printer be and is hereby directed to print two hundred copies of the testimony taken by the Joint Committee on Commerce and Navigation, in the investigation of the affairs of the Board of Pilot Commissioners and the Board of State Harbor Commissioners.

LYNCH, Chairman.

Adopted.

By Mr. Filcher:

*Resolved*, That the Committee on Contingent Expenses be and it is hereby requested to ascertain which of the employes of this Senate, if any, can be dispensed with without detriment to the efficiency of the body, and which of the committee clerks, if any, can be dispensed with without detriment to the efficiency of the committees, and report the result of its investigation at as early a day as possible to the Senate for action thereon.

The ayes and noes were demanded.

The roll was called, with the following result:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Fileher, Foster, Fraser, Johnson, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Perry, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Wallis, and Wolfskill—30.

NOES—Messrs. Harrigan, Nelson, Reddy, Routier, and Vrooman—5.

Adopted.

#### SECOND READING OF BILLS.

Senate Bill No. 20—An Act relating to the appointment of receivers of corporations.

Withdrawn by consent by Judiciary Committee.

Senate Bill No. 21—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section three hundred and nine *a*, relating to suits by stockholders of corporations.

Read second time, amendments by the committee adopted, section two of the bill stricken out, and the bill as amended ordered engrossed.

Senate Bill No. 40—An Act to amend section four hundred and ninety-six of the Penal Code.

Read second time, substitute recommended by the committee adopted, and the bill ordered engrossed.

Senate Bill No. 110—An Act to amend section eight hundred and fifty-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the absence of State officers from the State.

Read second time, and ordered engrossed.

Senate Bill No. 121—An Act to repeal an Act entitled "An Act to provide an additional Judge of the Superior Court for the County of Mono," approved April 16, 1880.

Read second time.

Pending the discussion of amendments to this bill, the hour arrived, and the President declared a recess.

#### REASSEMBLED.

The Senate reassembled at two o'clock P. M.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, Fileher, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

On motion, the consideration of the special orders were deferred until the disposition of Senate Bill No. 121.



Section two of this bill was stricken out, and the bill as amended ordered engrossed.

#### SPECIAL ORDERS.

Consideration of Senate Bills Nos. 117 and 140, on motion of Mr. Perry, postponed until Friday, February sixteenth, eighteen hundred and eighty-three.

Consideration of Governor's message, relating to the appointment of R. H. Buckingham as Fish Commissioner.

On motion, the Senate went into executive session.

Upon the question: "Will the Senate advise and consent to the appointment of R. H. Buckingham as Fish Commissioner, vice J. D. Redding, not confirmed?" the roll was called, with the following result:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, Filcher, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, McClure, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—32.

NOES—None.

Whereupon the Chair announced the appointment of R. H. Buckingham, as Fish Commissioner, as duly confirmed.

Motion to reconsider the vote by which Senate Bill No. 30 was refused passage.

Moved by Mr. Kellogg to lay the motion to reconsider on the table.

Ayes and noes demanded by Senators Kellogg, Reddy, and Speneer of Napa.

Roll called, with the following result:

AYES—Messrs. Kellogg, McCarthy, Reddy, Routier, Ryan, Speneer of Napa, Speneer of Stanislaus, and Sullivan—8.

NOES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, Filcher, Fraser, Harrigan, Johnson, Kelly of San Francisco, Knight, Lynch, Maddox, McClure, Reynolds, Steele, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—24.

Lost.

Ayes and noes were demanded on the motion to reconsider.

Roll called, with the following result:

AYES—Messrs. Chandler, Cox, Cronan, Cross, Del Valle, Dudley, Filcher, Fraser, Johnson, Maddox, McClure, Steele, Taylor, Vrooman, Wallis, and Whitney—16.

NOES—Messrs. Dougherty, Foster, Harrigan, Kelly of San Francisco, Kelley of Solano, Kellogg, McCarthy, Murphy, Nelson, Perry, Reddy, Routier, Ryan, Speneer of Napa, and Sullivan—15.

Carried.

Upon the question of the passage of Senate Bill No. 30—An Act to amend section thirteen hundred and twenty-two of an Act entitled "An Act to establish a Penal Code of the State of California," approved February 14, 1872, to determine when husband and wife may testify against each other in criminal cases—the roll was called, and the bill lost by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dudley, Filcher, Fraser, Johnson, Maddox, McClure, Spencer of Stanislaus, Steele, Taylor, Vrooman, Wallis, and Whitney—18.

NOES—Messrs. Dougherty, Foster, Harrigan, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, McCarthy, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Speneer of Napa, Sullivan, and Wolfskill—18.



## SECOND READING OF BILLS.

Senate Bill No. 186—An Act to amend section three hundred and eighty-eight of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to satisfaction of judgment against and sale of franchise owned by corporations, associations, or other persons.

Read second time, amendment by the committee adopted, and the bill ordered engrossed.

Senate Bill No. 170—An Act to amend section six hundred and twenty-six and to repeal section six hundred and twenty-seven of the Penal Code, relating to the destruction of game.

Read second time.

Section one amended, by inserting after the word "misdemeanor," in line six, the following words: "Provided that the owner or occupant of inclosed land may hunt, pursue, take, kill, or destroy quail, partridges, or grouse therein."

Further consideration of this bill, and Senate Bills Nos. 182 and 183, deferred until Friday, February ninth, at two o'clock and thirty minutes P. M.

Mr. Spenceer of Napa moved that the Committee on Fish and Game be ordered to report by ten o'clock to-morrow on Senate Bill No. 181.

Carried.

Senate Bill No. 72—An Act to provide for the custody of insane criminals and persons charged with crime.

On motion, the vote by which the enacting clause of this bill was stricken out was reconsidered, the enacting clause restored, section one amended by striking out in line one, after the words "the sum of," the word "twenty," and inserting in lieu thereof the word "ten;" and by striking out in line four the words "Folsom branch of the State Prison," and insert in lieu thereof "State Prison at San Quentin."

The bill as amended was ordered engrossed.

Senate Bill No. 98—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known as section six hundred and sixty-three, relating to proceedings for new trials.

Read second time, and ordered engrossed.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Mr. Filcher: Senate bill No. 292—An Act to divide the State of California into Congressional Districts, and to provide for the election of Congressmen therein.

Referred to Committee on Apportionment and Representation.

## RESOLUTIONS AND PETITIONS—(OUT OF ORDER).

By Mr. Spencer of Napa: A petition from sundry citizens, praying for a law granting to municipal authorities the privilege of levying a tax for libraries and free reading rooms.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Knight:

*Resolved*, That the Controller of State be and he is hereby authorized and directed to draw his warrant in favor of Benjamin Knight, Jr., for mileage account of Senate Committee on Hospitals and Asylums for the sum of three hundred and thirty-three dollars and ninety cents, to wit:

NAMES.	Miles.	Amount.
Senator Whitney, two days -----	96	\$9 60
Senator Spencer of Stanislaus, two days -----	96	9 60
Senator Wolfskill, six days -----	531	53 10
Senator Langford, seven days -----	592	59 20
Senator Knight, ten days -----	997	99 70
Secretary Leake, ten days -----	1,027	102 70
Total -----	1,939	\$333 90

Referred to Committee on Contingent Expenses and Mileage.

By Mr. Dougherty (as a substitute for a previous resolution on this subject):

*Resolved*, That the State Printer be and is hereby directed to institute an inquiry into the cost of compiling and publishing free text-books by the State, and to ascertain in connection therewith the cost to pupils in common schools, of readers, histories, arithmetics, and spelling books, and to report the result of such inquiry to the Senate at an early day.

Adopted.

By Mr. Lynch:

*Resolved*, That the Controller of State be and he is hereby directed to draw his warrant in favor of Clement Bennett for the sum of two hundred and twenty-five dollars (\$225), due for transcribing testimony taken before the Joint Committee on Commerce and Navigation in the investigation of the Board of State Harbor Commissioners, payable out of the Contingent Fund of the Senate.

Referred to Committee on Contingent Expenses and Mileage.

Also:

*Resolved*, That the following named gentlemen, comprising the Committee on Commerce and Navigation and the clerk, be and are hereby allowed the sums set opposite their respective names, as mileage due them for visiting San Francisco under joint resolution, and that the Controller is hereby instructed to draw his warrant upon the Contingent Fund of the Senate for the same:

NAMES.	Miles.	Amount.
Jeremiah Lynch -----	168	\$16 80
T. McCarthy -----	168	16 80
Pierce H. Ryan -----	168	16 80
T. K. Nelson -----	168	16 80
George E. Whitney -----	168	16 80
John H. Ryan -----	168	16 80
Total -----	1,008	\$100 80

Referred to Committee on Contingent Expenses and Mileage.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

## ON ENGROSSMENT.

SENATE CHAMBER, February 7, 1883.

MR. PRESIDENT: Your Committee on Engrossment, to whom was referred Senate Bill No. 156, and Substitute for Senate Bill No. 3, have examined the same, and find them properly engrossed.

NELSON, Chairman.

## ADJOURNMENT.

At four o'clock and twenty-five minutes P. M., on motion of Mr. Kellogg, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Thursday, February 8, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Filcher, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McClure, Murphy, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of yesterday read and approved.

## REPORTS OF STANDING COMMITTEES.

## ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, February 8, 1883.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have carefully compared Senate Bill No. 1, and find the same correctly enrolled, and that the same has this day been presented to the Governor.

HARRIGAN, Chairman.

## ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 8, 1883.

MR. PRESIDENT: The undersigned members of the Committee on Claims, to whom were referred Senate Bills Nos. 212 and 63, and Assembly Bill No. 185, beg leave to submit the following majority report: That they have carefully considered Senate Bill No. 212—An Act for the relief of John W. Metcalf and George McClellan—and recommend that it do pass.

Also, Senate Bill No. 63—An Act to authorize the Board of State Harbor Commissioners to adjust and pay the claim of John W. Wilkins—and recommend that it do pass as amended.

Also, Assembly Bill No. 185—An Act to appropriate money to pay the deficiency in the appropriation for the repairs in the State Capitol for the thirtieth fiscal year, arising on the claim of Wm. Laufkotter—and recommend that it do pass.

MARTIN KELLY.  
J. J. HARRIGAN.  
T. K. NELSON.  
T. FRASER.

SENATE CHAMBER, SACRAMENTO, February 8, 1883.

The undersigned members offer a minority report, and recommend that Senate Bill No. 63 and Assembly Bill No. 185 do not pass.

K. E. KELLEY, Chairman.  
PATRICK REDDY.

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 8, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration Senate Bill No. 73—Entitled "An Act to amend the Penal Code, and to add a new section thereto in regard to gambling"—and do now report the same back to the Senate, and recommend that it do not pass.

Also, Senate Bill No. 95—Entitled an Act to amend section five hundred and thirty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872—relative to undertakings on attachment, and do now report the same back to the Senate with amendment, as instructed.

Also, Assembly Bill No. 12—Entitled "An Act to amend section one thousand seven hundred and sixty-four of the Code of Civil Procedure of California" relating to insane and incompetent persons and the appointment of guardians therefor—and do now report the same back to the Senate, and recommend its passage.

Also, Assembly Bill No. 18—Entitled "An Act to repeal section one thousand three hundred and seventy of the Code of Civil Procedure," concerning a married woman as administratrix—and do now report the same back to the Senate, and recommend that it do not pass.

Also, Senate Bill No. 120—Entitled an Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as section three thousand eight hundred and seventeen, relating to revenue and the collection of property taxes and redemption from sales therefor—and do now report the same back to the Senate, with amendments thereto, and recommend its passage as amended.

Also, Senate Bill No. 247—Entitled "An Act to provide for the better control and management of the several funds of the University of California, and for the investment and security of the same"—and do now report the same back to the Senate, and recommend its passage.

Also, Senate Bill No. 20—Entitled "An Act relating to the appointment of receivers of corporations"—and do now report the same back to the Senate, with amendments thereto, and recommend its passage as amended.

CROSS, Chairman.

## ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 8, 1883.

MR. PRESIDENT: Your committee, to whom was referred Senate Bill No. 192—Entitled "An Act to amend section six hundred and thirty-one of an Act entitled 'An Act to establish a Penal Code,' " approved March 12, 1872, relating to the preservation of wild game—have had the same under consideration, and now report the same back, and recommend its passage.

Also, Senate Bill No. 181—Entitled "An Act to amend sections six hundred and twenty-six, six hundred and thirty-one, six hundred and thirty-two, six hundred and thirty-four, and six hundred and thirty-six, and to repeal sections six hundred and twenty-seven, six hundred and twenty-eight, and six hundred and twenty-nine of an Act entitled 'An Act to establish a Penal Code,' " approved February 14, 1872, relating to the preservation of game and fish—and report the same back, without recommendation.

FOSTER, Chairman.

## ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, February 8, 1883.

MR. PRESIDENT: Your Committee on Engrossment, to whom was referred Senate Bills Nos. 98, 186, 72, Substitute for 40, 21, 110, and 121, have examined the same, and find them properly engrossed.

NELSON, Chairman.

## MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 6, 1883. }

*To the honorable the Senate of the State of California:*

MR. PRESIDENT: I herewith transmit to your honorable body, for such action as you may think proper to take, a letter from James de Fremery, Consul of the Netherlands, in regard to the advisability of having the State of California represented at the International Exhibition to be held at the City of Amsterdam, commencing on the first day of May next.

It would, no doubt, prove advantageous to this State in many ways to be represented at said exhibition. Such a representation would attract attention to our agricultural, mineral, and other products, and would no doubt be the means of bringing a desirable, industrious, and intelligent class of population.

I am informed that an appropriation of four thousand (\$4,000) dollars will be sufficient to

carry out the plan as set forth in the Consul's letter, and that all the products and industrial features of our State may be represented by the expenditure of such sum. I therefore refer the matter to the honorable the Legislative Assembly, hoping you will take such steps as in your judgment may seem necessary to have the State properly represented at the International Exhibition in the Netherlands.

GEORGE STONEMAN, Governor.

Message and accompanying documents referred to Committee on Federal Relations.

#### INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Steele: Senate Bill No. 293—An Act to amend section nine of article thirteen of the Constitution of the State of California.

Referred to Judiciary Committee.

By Mr. Perry (by request): Senate Bill No. 294—An Act to amend sections two thousand nine hundred and ninety-three and two thousand nine hundred and ninety-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add thereto three sections, to be known as two thousand nine hundred and ninety-five, two thousand nine hundred and ninety-six, and two thousand nine hundred and ninety-seven, relating to the vaccine agent and vaccine matter.

Referred to Committee on Hospitals.

By Mr. Whitney: Senate Bill No. 295—An Act to secure a representation of the resources and industries of California at the Amsterdam International Exhibition, and provide for the expenses thereof.

Referred to Committee on Federal Relations.

By Mr. Dudley: Senate Bill No. 296—An Act to amend section seven of article four of the Constitution of the State of California.

Referred to Judiciary Committee.

By Mr. Spencer of Napa: Senate Bill No. 297—An Act appropriating money for the establishment of a system of sewerage for the Deaf, Dumb, and Blind Asylum of this State and the State University.

Referred to Committee on Public Buildings.

By Mr. Perry (by request): Senate Bill No. 298—An Act concerning the appointment of interpreters for the Criminal Courts of the State of California.

Referred to Judiciary Committee.

By Mr. Dougherty: Senate Bill No. 299—An Act to prevent discriminations by gas companies in the State of California.

Referred to Committee on Corporations.

By Mr. Sullivan: Senate Bill No. 300—An Act to provide for the payment of James A. Waymire for services rendered as attorney at law in testing the constitutionality of the "Act to promote drainage."

Referred to Judiciary Committee.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Kellogg:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of J. A. Filcher for the sum of sixteen dollars and eighty cents, as mileage due him for visiting San Francisco as a sub-Committee on Mines and Mining, to examine the condition and ascertain the wants of the State Mining Bureau.



# Referred to Committee on Contingent Expenses and Mileage. By Mr. Reddy:

*Resolved*, That the members of the Committee on State Prisons be allowed the amount set opposite their respective names for mileage, as shown in the following statement—said amount to be paid out of the appropriation for the contingent expenses of the Senate:

Senator Reddy.....	\$19 20
Senator Kelly.....	19 20
Senator Nelson.....	19 20
Senator Foster.....	19 20
Senator Dougherty.....	19 20
Senator Speneer of Stanislaus.....	19 20
Senator Perry.....	19 20
Senator Dudley.....	19 20
Senator Routier.....	19 20

Also, the following named attachés of the said committee:

Hugh J. Mohan, Clerk, one visit, January 20.....	\$19 20
Hugh J. Mohan, Clerk, one visit, January 26.....	19 20
B. C. Bier, Shorthand Reporter.....	19 20
J. G. Hanks, Sergeant-at-Arms.....	19 20
A. J. Hopper, Expert.....	19 20

# Referred to Committee on Contingent Expenses and Mileage.

## FIRST READING OF BILLS.

Senate Bills Nos. 51 and 71—Passed on file until Monday, February twelfth, eighteen hundred and eighty-three.

Senate Bill No. 132—An Act entitled "An Act to grant the Boards of Health in cities and counties the power to regulate the plumbing and drainage of buildings."

Read first time, and placed on file for second reading.

Senate Bill No. 176—An Act to regulate the practice of pharmacy.

First reading refused.

Senate Bill No. 93—An Act to prevent the adulteration of food or drugs.

First reading refused.

Senate Bill No. 242—An Act for the regulation of the boarding of infant children.

Read first time, and placed on file for second reading.

Senate Bill No. 77—An Act to amend sections six hundred and thirty-three and six hundred and thirty-four of the Code of Civil Procedure, relating to findings.

After debate, the bill was refused a first reading by the following vote:

**AYES**—Messrs. Cronan, Del Valle, Dougherty, Dudley, English, Fraser, Harrigan, Johnson, Kelly of San Francisco, McClure, Perry, Reynolds, Routier, Speneer of Napa, Steele, and Sullivan—16.

**NOES**—Messrs. Baldwin, Chandler, Cox, Cross, Fileher, Kelley of Solano, Kellogg, Knight, Langford, Maddox, Murphy, Reddy, Ryau, Spencer of Stanislaus, Taylor, Whitney, and Wolfskill—17.

Senate Bill No. 94—An Act to facilitate the giving of bonds required by law.

First reading refused.

Senate Bill No. 218—An Act to add two new sections to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to foreign corporations, said sections to be known as sections four hundred and four and four hundred and five of said Code.

Pending the discussion of the question as to whether this bill should be read the first time, the hour arrived, and the President declared a recess.

# REASSEMBLED.

At two o'clock the Senate reassembled.

President Daggett in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spence of Napa, Spence of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

## MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 8, 1883. }

*To the honorable the Senate of the State of California :*

MR. PRESIDENT: I herewith transmit a communication from the Governor of the State of Nevada, and also a certified copy of Assembly Joint Resolution No. 25 of the Legislature of the State of Nevada, in reference to "depositing sawdust in the Truckee River by citizens and residents of the States of California and Nevada."

GEORGE STONEMAN, Governor.

On motion of Mr. Del Valle, the consideration of this message and accompanying documents was made a special order for Tuesday, February thirteenth, eighteen hundred and eighty-three, at two o'clock P. M.

## SPECIAL ORDER.

Consideration of Senate Joint Resolution No. 2—Relative to the bill now pending in Congress for the consolidation of the Southern Pacific Railroad with other railroads.

Committee recommend substitute.

Ayes and noes demanded on the question of the adoption of the substitute, by Senators Del Valle, Filcher, and Reddy.

Roll called, with the following result:

AYES—Messrs. Cronan, Cross, Dougherty, Harrigan, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, McCarthy, Nelson, Perry, Routier, Ryan, Vrooman, Wallis, and Whitney—16.

NOES—Messrs. Baldwin, Chandler, Cox, Del Valle, Dudley, English, Filcher, Foster, Fraser, Johnson, Knight, Langford, Lynch, Maddox, McClure, Murphy, Reddy, Reynolds, Spence of Napa, Spence of Stanislaus, Steele, Sullivan, Taylor, and Wolfskill—24.

Substitute lost.

Senate Joint Resolution No. 2 passed on file.

Assembly Concurrent Resolution No. 21—Relative to the bill now pending in Congress for the consolidation of the Southern Pacific Railroad and other railroads.

Ayes and noes demanded on the adoption of the resolution by Senators Del Valle, Langford, and Filcher.

After debate, Mr. Kelley offered an amendment, embodying the original resolution, but omitting the preamble.

The question recurring on the amendment, the ayes and noes were called for by Senators Maddox, Filcher, and Reddy.

Roll called, with the following result:

AYES—Messrs. Cronan, Cross, Dougherty, Dudley, Fraser, Harrigan, Keating, Kelly of San Francisco, Kelley of Solano, McCarthy, McClure, Nelson, Perry, Routier, Ryan, Wallis, and Whitney—17.

NOES—Messrs. Baldwin, Chandler, Cox, Del Valle, English, Filcher, Foster, Johnson, Knight, Langford, Lynch, Maddox, Murphy, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, and Wolfskill—22.

Amendment lost.

Pending the discussion of the original resolution, at five o'clock and fifteen minutes P. M., Mr. Kellogg moved to adjourn.

Roll-call demanded by Senators Reddy, Del Valle, and Filcher.

Roll called, with the following result:

AYES—Messrs. Cronan, Dougherty, Harrigan, Keating, Kelly of San Francisco, Kellogg, Knight, McCarthy, McClure, Nelson, Perry, Routier, and Vrooman—13.

NOES—Messrs. Baldwin, Chandler, Cox, Cross, Del Valle, Dudley, English, Filcher, Foster, Fraser, Johnson, Langford, Lynch, Maddox, Murphy, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Wallis, Whitney, and Wolfskill—26.

Motion lost.

At five o'clock and thirty minutes P. M., Mr. Perry moved to take a recess until eight o'clock P. M.

Roll-call demanded.

Roll called, with the following result:

AYES—Messrs. Cronan, Dudley, Fraser, Harrigan, Kellogg, Knight, Perry, and Routier—8.

NOES—Messrs. Baldwin, Chandler, Cox, Cross, Del Valle, English, Filcher, Foster, Johnson, Kelly of San Francisco, Langford, Lynch, Maddox, McClure, Murphy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—28.

Lost.

Question called, and the resolution adopted by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Del Valle, English, Filcher, Foster, Johnson, Knight, Langford, Lynch, Maddox, Murphy, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Whitney, and Wolfskill—22.

NOES—Messrs. Cronan, Cross, Dougherty, Fraser, Harrigan, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, McCarthy, McClure, Nelson, Perry, Routier, Ryan, Vrooman, and Wallis—17.

#### ADJOURNMENT.

At six o'clock and fifty minutes P. M., on motion of Mr. Del Valle, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Friday, February 9, 1883. }

The Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Cross, Cronan, Del Valle, Dougherty, Dudley, English, Fileher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lyneh, Maddox, McCarthy, McClure, Murphy, Perry, Reddy, Reyuolds, Routier, Ryan, Spencer of Napa, Steele, Taylor, Vrooman, Wallis, and Whitney.

Quorum present.

Journal of yesterday read and approved.

On motion of Mr. Reddy, the resolution introduced by him yesterday was corrected as to the amount of mileage due J. G. Hanks, Sergeant-at-Arms, and the sum changed from nineteen dollars and twenty cents to nine dollars and sixty cents.

Senator Spencer of Stanislaus was granted indefinite leave of absence, on account of illness.

## REPORTS OF STANDING COMMITTEES.

### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 6, 1883.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 281—"An Act to provide for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-second fiscal year."

Also, Senate Bill No. 280—"An Act to provide for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-third fiscal year."

Also, Senate Bill No. 279—"An Act to provide for a deficiency in the appropriation for postage and expressage in the office of Superintendent of Public Instruction for the thirty-third fiscal year."

Having had the same under consideration, do now report them back with the recommendation that they do pass.

Also, Senate Bill No. 160—"An Act making an appropriation of fifteen thousand dollars for the protection and improvement of the buildings and grounds of the State University"—have had the same under consideration, and report the same back to the Senate with amendment, and recommend that it do pass as amended.

MURPHY, Chairman.

### ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 9, 1883.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz:

*Resolved*, That the President of the Senate is authorized to employ a clerk, at a per diem to be fixed by the Senate, and paid out of the contingent expenses of the Senate—have had the same under consideration, and recommend the sum of five dollars per diem be paid said clerk.

Also, the following:

*Resolved*, That the Controller is hereby directed to draw his warrant in favor of Clement Bennett for the sum of two hundred and twenty-five (\$225) dollars, due for reporting and transcribing testimony taken before the Joint Committee on Commerce and Navigation in the investigation of the Board of State Harbor Commissioners, payable out of the Contingent Fund of the Senate—have had the same under consideration, and report back that the same be allowed.

Also, the following:

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of J. A. Fileher for the sum of sixteen dollars and eighty cents, as mileage due him for visiting San Francisco as a sub-Committee on Mines and Mining, to examine the condition and ascertain the wants of the State Mining Bureau—have had the same under consideration and recommend that it be allowed.

Also, the following:

*Resolved*, That the members of the Committee on State Prisons be allowed the amount set opposite their respective names for mileage, as shown in the following statement, said amount to be paid out of the appropriation for the contingent expenses of the Senate:

Senator Reddy .....	\$19 20
Senator Kelly .....	19 20
Senator Nelson .....	19 20
Senator Foster .....	19 20
Senator Dougherty .....	19 20
Senator Spencer of Stanislaus .....	19 20
Senator Perry .....	19 20
Senator Dudley .....	19 20
Senator Routier .....	19 20

Also, the following named attachés of the said committee:

Hugh J. Mohan, Clerk, one visit, January 20	\$19 20
Hugh J. Mohan, Clerk, one visit, January 26	19 20
B. C. Bier, Shorthand Reporter	19 20
J. G. Hanks, Sergeant-at-Arms	9 60
A. J. Hopper, Expert	19 20

The committee have had the same under consideration, and recommend that it be paid.

Also, the following:

*Resolved*, That the following named gentlemen, comprising the Committee on Commerce and Navigation, and the clerk, be and are hereby allowed the sums set opposite their respective names, as mileage due them for visiting San Francisco under joint resolution, and that the Controller is hereby instructed to draw his warrant upon the Contingent Fund of the Senate for the same.

NAMES.	Miles.	Amount.
Jeremiah Lynch	168	\$16 80
T. McCarthy	168	16 80
Pierce H. Ryan	168	16 80
T. K. Nelson	168	16 80
Geo. E. Whitney	168	16 80
John H. Ryan	168	16 80
Total	1,008	\$100 80

The committee have had the same under consideration and report favorably.

MADDOX, Chairman.

Adopted.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 9, 1883.

MR. PRESIDENT: By vote of the Senate the following questions were submitted to the Judiciary Committee for its consideration and decision thereon:

*First*—Upon an appointment by the Governor of a member of the Board of Regents of the University of California, to fill a vacancy for an unexpired term, is it necessary that the name of such appointee should be submitted to the Senate for confirmation?

*Second*—If submitted, should the Senate take action thereon?

The committee, having had the questions submitted under consideration at several meetings, have arrived at a conclusion, and a majority make the following replies:

*First*—That it is not necessary that such appointments should be submitted to the Senate for confirmation.

*Second*—That if submitted, the Senate should take no action thereon.

K. E. KELLEY.  
PATRICK REDDY.  
GEO. E. WHITNEY.  
GEO. A. JOHNSON.  
W. W. KELLOGG.  
DAVID McCLURE.  
HENRY VROOMAN.  
GEO. H. PERRY.  
F. T. BALDWIN.

#### MINORITY REPORT.

A minority of the committee present the following report, and make the following replies:

*First*—That it is necessary that such appointments should be submitted to the Senate for confirmation.

*Second*—That if submitted the Senate should take action thereon. An opinion is herewith submitted.

DENNIS SPENCER.  
FRANK J. SULLIVAN.  
R. F. DEL VALLE.  
CLAY W. TAYLOR.  
C. W. CROSS.

On motion of Mr. Kellogg, these reports and the opinions accompanying them, were made a special order for Tuesday, February thirteenth, eighteen hundred and eighty-three, after two o'clock P. M.



## ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 9, 1883.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the contest between L. W. Buck and J. M. Dudley for a seat in the Senate from the Nineteenth Senatorial District, report that they have had the same under consideration, and after a thorough examination of the testimony, and full argument by opposing counsel, find that the contestant, L. W. Buck, is entitled to his seat in this Senate as Senator from the Nineteenth Senatorial District, now held by J. M. Dudley.

W. W. KELLOGG, Chairman.  
PATRICK REDDY.  
WARREN B. ENGLISH.  
DENNIS SPENCER.

Notice given of a minority report to be presented hereafter.

Also, your Committee on Elections, having had under consideration Senate Bill No. 123—Entitled "An Act entitled an Act to establish a Political Code," approved March 12, 1872, relating to elections and the registration of voters, now report the same back to the Senate, and recommend that it do pass.

W. W. KELLOGG.  
PATRICK REDDY.  
FRANK J. SULLIVAN.  
DENNIS SPENCER.

Senators McClure and Vrooman made a verbal minority report, recommending that the bill do not pass.

## ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 9, 1883.

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 129—An Act to declare part of the branch of the San Joaquin River known as Middle River, not navigable—have had the same under consideration, and report the same back, and recommend its passage.

Also, Senate Bill No. 208—An Act to amend section two thousand three hundred and forty-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, declaring certain streams and waters public ways—and recommend its passage.

LYNCH, Chairman.

## ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 9, 1883.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 145—An Act to amend section three hundred and fifty-five of the Civil Code, relative to the powers and purposes of corporations—have had the same under consideration, and report the same back, and recommend its passage.

RYAN, Chairman.

## MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 9, 1883.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 145—An act to amend section three hundred and fifty-five of the Civil Code, relative to the powers and purposes of corporations—have had the same under consideration, and report the same back, and recommend that it do not pass.

W. W. KELLOGG.

## MESSAGES FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 8, 1883. }

*To the honorable the Senate of the State of California:*

MR. PRESIDENT: I have to inform you that I have this day approved Senate Bill No. 1—Entitled an Act to repeal sections two hundred and ninety-nine, three hundred, and three hundred and one of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to Sunday amusements where liquors are sold, and keeping open places of business on Sunday.

GEORGE STONEMAN, Governor.

Also, the following:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 8, 1883. }

*To the honorable the Senate of the State of California:*

MR. PRESIDENT: I herewith transmit to your honorable body the report of the Committee of the State Board of Health on Resolution No. 6, adopted February 26, 1881, in reference to the selection of a suitable place for State quarantine grounds and station.

GEORGE STONEMAN, Governor.

The message, with accompanying report, referred to the committee on Hospitals.

#### MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 8, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the seventh day of February, one thousand eight hundred and eighty-three, adopted Assembly Concurrent Resolution No. 21, relative to proposed amendment to section nine, article thirteen, of the Constitution.

Referred to Judiciary Committee.

Also, that the Assembly, on this day — 1883, passed Assembly Bill No. 1—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and substitute the same in place of said repealed chapter two in said Code, relating to roads and highways.

M. C. HALEY, Chief Clerk.

By G. W. HERBERT, Assistant Clerk.

Assembly Bill No. 1—placed on file for first reading.

#### NOTICE—(OUT OF ORDER).

Mr. Vrooman gave notice that on Monday, February twelfth, eighteen hundred and eighty-three, he should call for a report from the Committee on Rules, on the amendment to Rules Five and Seven of the Senate.

Also, on the same day, for a report from the Committee on Judiciary, on Senate Bill No. 50.

#### INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Cox: Senate Bill No. 301—An Act to authorize the erection of a State agricultural and industrial exhibition building on the State Capitol grounds, and to appropriate money therefor.

Referred to Committee on Agriculture.

By Mr. Lynch (by request): Senate Bill No. 302—An Act for the better protection of life and property.

Referred to Committee on Public Buildings.

By Mr. Spencer of Napa: Senate Bill No. 303—An Act to add a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the salary of the Clerk of the State Board of Equalization.

Referred to Committee on Finance.

By Mr. Sullivan: Senate Bill No. 304—An Act to amend section three thousand four hundred and seventy-eight of the Political Code, relating to reorganization of swamp land reclamation districts.

Referred to Committee on Public and Swamp and Overflowed Lands.

By Mr. Whitney: Senate Bill No. 305—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to the printing of statutes and journals.

Referred to Committee on Public Printing.

#### FIRST READING OF BILLS.

Senate Bill No. 218—An Act to add two new sections to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to foreign corporations, said sections to be known as sections four hundred and four and four hundred and five of said Code.

The ayes and noes demanded on the question: "Shall this bill be read the first time?"

The roll was called, with the following result:

AYES—Messrs. Baldwin, Dudley, Filcher, Foster, Fraser, Johnson, Kelley of Solano, Knight, Langford, Lynch, Maddox, Murphy, Reddy, Reynolds, Spencer of Napa, Sullivan, and Wolfskill—17.

NOES—Messrs. Chandler, Cox, Cross, Dougherty, English, Keating, Kelly of San Francisco, Kellogg, McClure, Perry, Routier, Steele, Taylor, Vrooman, and Whitney—15.

Read first time, and placed on file for second reading.

Senate Bill No. 228—An Act to provide for the submission of proposed amendments to the Constitution of the State of California to the qualified electors for their approval.

Read first time, and placed on file for second reading.

Senate Bill No. 141—An Act to amend section five hundred and ninety-two of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

Read first time, and placed on file for second reading.

Senate Bill No. 190—An Act to amend section three thousand and fifty-one of the Civil Code, relating to liens, and to provide for the manner of collecting and discharging such liens on certain personal property.

Read first time, and placed on file for second reading.

Senate Bill No. 23—An Act to amend sections one thousand and sixty-eight and one thousand and seventy-four of "An Act to establish a Code of Civil Procedure," approved March 11, 1872, providing when and by what Courts the writ of certiorari may be granted and matters may be reviewed under such writ.

After debate, the ayes and noes were called for, on the question: "Shall this bill be read a first time?" by Senators McClure, Perry, and Lynch.

Roll called, with the following result:

AYES—Messrs. Dudley, Fraser, McClure, Perry, Routier, Steele, Wallis, and Whitney—8.

NOES—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, Murphy, Reddy, Reynolds, Ryan, Taylor, and Vrooman—24.

First reading refused.

Mr. Vrooman gave notice that on the following day he would move for a reconsideration of the vote by which Senate Bill No. 23 was refused a first reading.

## REPORTS OF COMMITTEES—(OUT OF ORDER).

## ON ELECTIONS—(MINORITY REPORT).

SENATE CHAMBER, SACRAMENTO, February 9, 1883.

MR. PRESIDENT: The undersigned, minority of your Committee on Elections, in the matter of the contest of L. W. Buck, contestant, against J. M. Dudley, the sitting member, respondent, report that upon a careful examination of the evidence presented by the contestant and respondent, and the law applicable thereto, we find that the sitting member, J. M. Dudley, is entitled to his seat in this Senate as Senator of the Nineteenth Senatorial District.

DAVID MCCLURE,  
HENRY VROOMAN.

## ON MINES.

SENATE CHAMBER, SACRAMENTO, February 9, 1883.

MR. PRESIDENT: The Committee on Mines, to whom was referred Senate Bill No. 68—"An Act to promote and encourage the development of the mineral resources of the State of California, and for the support of the Mining Bureau"—have had the same under consideration, and report the same back to the Senate with amendments, and recommend its passage as amended.

KELLOGG, Chairman.

## ON PUBLIC BUILDINGS.

Report concerning the amount of mileage due members of this committee for visiting the State Insane Asylums, State Normal School, the Institute for the Deaf, Dumb, and Blind, and the State University.

Referred to Committee on Contingent Expenses and Mileage.

## FIRST READING OF BILLS.

Assembly Bill No. 7—An Act to repeal section one thousand seven hundred and fifty-one of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to guardians of minors, and to add one new section to said Code, relating to guardians of minors, to be numbered section one thousand seven hundred and fifty-one.

Read first time, and placed on file for second reading.

Assembly Bill No. 8—An Act to repeal section one thousand seven hundred and seventy-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to powers and duties of guardians, and to add one new section to said Code, relating to the powers and duties of guardians, to be numbered one thousand seven hundred and seventy-four.

First reading refused.

Assembly Concurrent Resolution No. 7—Relative to bills which take effect immediately after they are approved by the Governor.

Adopted.

Chinese through the United States.

Mr. Murphy moved the indefinite postponement of the resolution.

Ayes and noes demanded.

Roll called, with the following result:

AYES—Messrs. English, Langford, Murphy, and Vrooman—4.

NOES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Dougherty, Dudley, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Lynch, Maddox, McClure, Perry, Reddy, Reynolds, Routier, Ryan, Steele, Taylor, Wallis, Whitney, and Wolfskill—30.

Lost.

Mr. Murphy moved to lay the resolution on the table.

Ayes and noes demanded, and roll called, with the following result:

AYES—Messrs. English, Murphy, and Vrooman—3.

NOES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Dougherty, Dudley, Filcher, Foster, Fraser, Harrigan, Johnston, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McClure, Perry, Reddy, Reynolds, Routier, Ryan, Steele, Taylor, Wallis, Whitney, and Wolfskill—31.

Ayes and noes demanded on the original motion.

Roll called, and the resolution adopted by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Langford, Lynch, Maddox, McClure, Perry, Reynolds, Routier, Ryan, Taylor, Whitney, and Wolfskill—28.

NOES—Messrs. English, Knight, Murphy, Reddy, Steele, Vrooman, and Wallis—7.

Mr. Del Valle gave notice that on the following day he should move for a reconsideration of the vote by which Senate Concurrent Resolution No. 6 was adopted.

Senate Bill No. 212—An Act for the relief of John W. Metcalf and George McLellan.

Read first time, and placed on file for second reading.

Senate Bill No. 63.

Pending the discussion of the question: "Shall the bill be read the first time?" the hour arrived, and the President declared a recess.

#### REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Cox, Cross, Del Valle, Dougherty, Dudley, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Steele, Sullivan, Taylor, Wallis, and Whitney.

Quorum present.

#### SPECIAL ORDERS.

Consideration of Governor's message relative to appointments.

On motion of Senator Ryan, the Senate went into executive session to consider the Governor's appointments.

Upon the question: "Will the Senate advise and consent to the appointment of W. W. Smith, of San Bernardino County, as Brigadier-General, First Brigade, N. G. C., vice C. W. C. Rowell," the roll was called, with the following result:

AYES—Messrs. Baldwin, Cross, Del Valle, Dudley, English, Foster, Fraser, Johnson, Keating, Kellogg, Knight, Langford, Lynch, Maddox, McClure, Murphy, Perry, Reynolds, Routier, Ryan, Steele, Sullivan, Taylor, and Whitney—24.

NOES—None.

Whereupon the Chair announced the appointment of W. W. Smith as Brigadier-General, First Brigade, N. G. C., duly confirmed.

Upon the question: "Will the Senate advise and consent to the appointment of James A. Shepherd, of San Joaquin County, as Brigadier-General, Third Brigade, N. G. C., vice Thomas E. Ketchum," the roll was called, with the following result:



AYES—Messrs. Baldwin, Cross, Del Valle, Dudley, English, Foster, Fraser, Johnson, Keating, Kellogg, Knight, Langford, Lynch, Maddox, McClure, Perry, Reynolds, Routier, Ryan, Steele, Sullivan, Taylor, and Whitney—23.

NOES—None.

Whereupon the Chair announced the appointment of James A. Shepherd as Brigadier-General, Third Brigade, N. G. C., duly confirmed.

Upon the question: "Will the Senate advise and consent to the appointment of John T. Carey, of Sacramento County, as Brigadier-General, Fourth Brigade, N. G. C., vice L. Tozer, not confirmed by the Senate?" the roll was called, with the following result:

AYES—Messrs. Baldwin, Cross, Del Valle, Dudley, English, Foster, Fraser, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McClure, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, and Whitney—25.

NOES—None.

Whereupon the Chair announced the appointment of John T. Carey as Brigadier-General, Fourth Brigade, N. G. C., duly confirmed.

Senate Bills Nos. 170, 182, and 183, were made a special order for Tuesday, February thirteenth, eighteen hundred and eighty-three, at three o'clock P. M.

#### LEAVE OF ABSENCE.

Leave of absence for two days was granted to Senators Vrooman and Chandler, and for one day to Senator Kelley of Solano.

#### FIRST READING OF BILLS.

An Act to authorize the Board of State Harbor Commissioners to adjust and pay the claim of John S. Wilkins.

Read first time, and placed on file for second reading.

Assembly Bill No. 185—An Act to appropriate money to pay the deficiency for the repairs of the State Capitol for the thirtieth fiscal year, the deficiency arising upon the claim of William Laufkotter.

Read first time, and placed on file for second reading.

Senate Bill No. 73—An Act to amend the Penal Code, and to add a new section thereto in regard to gambling.

First reading refused.

Senate Bill No. 95—An Act to amend section five hundred and thirty-nine of an Act to establish a Code of Civil Procedure, approved March 11, 1872, relative to undertakings on attachment.

Read first time, and placed on file for second reading.

Assembly Bill No. 12—An Act to amend section one thousand seven hundred and sixty-four of the Code of Civil Procedure of California, relating to insane and incompetent persons, and the appointment of guardians therefor.

Read first time, and placed on file for second reading.

Assembly Bill No. 18—An Act to repeal section one thousand three hundred and seventy of the Code of Civil Procedure, concerning a married woman as administratrix.

First reading refused.

Senate Bill No. 120—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a

new section thereto, to be known as section three thousand eight hundred and seventeen, relating to revenue and the collection of property taxes and redemption from sales therefor.

Read first time, and placed on file for second reading.

Senate Bill No. 247—An Act to provide for the better control and management of the several funds of the University of California, and for the investment and security of the same.

Read first time, and placed on file for second reading.

Senate Bill No. 181—An Act to amend sections six hundred and twenty-six, six hundred and thirty-one, six hundred and thirty-two, six hundred and thirty-four, and six hundred and thirty-six, and to repeal sections six hundred and twenty-seven, six hundred and twenty-eight, and six hundred and twenty-nine of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the preservation of game and fish.

Read first time, and placed on file for second reading with the special orders for Tuesday, February thirteenth, eighteen hundred and eighty-three.

Senate Bill No. 192—An Act to amend section six hundred and thirty-one of an Act entitled "An Act to establish a Penal Code," approved April 12, 1872, relating to the preservation of wild game.

Read first time, and placed on file for second reading with the special orders for Tuesday, February thirteenth, eighteen hundred and eighty-three.

On motion of Mr. McClure, the consideration of the majority and minority reports of the Committee on Elections, in the case of Buck vs. Dudley, was made a special order for Wednesday, February fourteenth, eighteen hundred and eighty-three, at two o'clock p. m.

#### SECOND READING OF BILLS.

Senate Bill No. 238—Passed at the head of the file until Monday, February twelfth, eighteen hundred and eighty-three.

Senate Bill No. 42—An Act to regulate the sale of oleomargarine, and to cause the same to be easily distinguished.

Roll-call demanded on the second reading.

Roll called, with the following result:

AYES—Messrs. Baldwin, Cross, Del Valle, Dougherty, Dudley, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Langford, Nelson, Perry, Routier, Wallis, and Wolfskill—19.

NOES—Messrs. Kellogg, Knight, Maddox, Murphy, Reynolds, Steele, Taylor, and Whitney—8.

Carried.

Mr. Murphy moved to strike out the enacting clause.

Senate Bill No. 20 passed on the file.

Senate Bill No. 58—An Act for the protection of the dairy industry of this State and the consumers of dairy products.

Read second time, and amendments by the committee adopted.

Section one stricken out.

Section two amended by inserting in line one, between the words "person" and "who," the words "or corporation." In line four the word "but" stricken out, and the word "or" inserted in lieu thereof. In line five, between the words "or" and "has," the words "into which the oil or fat of animals, not produced from milk," inserted.

Section three amended as follows: By striking out from the word

"and," on line two, all to and including the word "used," in line four. By striking out the word "two," and inserting in lieu thereof the word "one," in line two. By striking out in line eight the words "one half of an inch," and inserting in lieu thereof the words "two inches." By striking out of line twelve the word "second," and inserting in lieu thereof the word "first."

Section four amended by striking out in line four the word "fifty," and inserting in lieu thereof the word "five."

Sections renumbered in harmony with the amendments.

Title amended so as to read as follows: An Act to prevent the sale or disposition as butter of the substance known as "oleomargarine," or "oleomargarine butter," and when "oleomargarine" or "oleomargarine butter" is sold or disposed of, requiring notice thereof to be given.

Bill as amended ordered engrossed.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Mr. Keating: Senate Bill No. 306—An Act to provide for the payment of the per diem of the members and attachés of the Constitutional Convention.

Referred to Committee on Claims.

By Mr. Baldwin: Senate Bill No. 307—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered three thousand and sixty-one, providing for a lien for taxes paid by persons having possession or control of personal property.

Referred to Judiciary Committee.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Cross:

*Resolved*, That S. P. Maslin is appointed Porter of room forty-one, and his salary fixed at four dollars per day, to date from January fourteenth, eighteen hundred and eighty-three.

Referred to Committee on Contingent Expenses and Mileage.

#### REPORTS OF STANDING COMMITTEES—(OUT OF ORDER).

##### ON ROADS AND HIGHWAYS.

SENATE CHAMBER, SACRAMENTO, February 9, 1883.

MR. PRESIDENT: Your Committee on Roads and Highways, to whom was referred Senate Bill No. 263—An Act to amend section five hundred and fourteen of an Act entitled "An Act to establish a Civil Code"—have had the same under consideration, and report it back to the Senate, with the recommendation that it be referred to the Judiciary Committee.

LANGFORD, Chairman.

##### ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 9, 1883.

MR. PRESIDENT: Your Committee on Hospitals and Asylums have had under consideration Senate Bill No. 131—Relative to the appropriation of money for the support of aged and indigent persons residing in the Veterans' Home Association—and report the same back with amendments, and recommend its passage.

KNIGHT, Chairman.

## SECOND READING OF BILLS.

Senate Bill No. 99—An Act to amend section six hundred and forty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to bills of exceptions.

Read second time, and ordered engrossed.

Senate Bills No. 164 and 169—Passed on file until Monday, February twelfth, eighteen hundred and eighty-three.

Senate Bill No. 115—An Act entitled "An Act to amend section one thousand nine hundred and sixty-two of an Act to establish a Political Code," approved March 12, 1872, relative to number of officers and privates of companies.

Read second time, and ordered engrossed.

Senate Bill No. 116—An Act entitled "An Act to amend section one thousand nine hundred and sixty-five of an Act to establish a Political Code," approved March 12, 1872, relative to bonds to secure the State against loss of property or company funds, etc.

Read second time, and ordered engrossed.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Mr. Harrigan: Senate Bill No. 308—An Act to declare the dry docks and marine ways in this State public dry docks and marine ways, when a compensation is asked for the use thereof, and to limit the compensation to be paid for such use.

Referred to Committee on Commerce and Navigation.

By Mr. English: Senate Bill No. 309—An Act to appropriate the sum of two thousand five hundred dollars for the purpose of assisting the Home for Aged and Infirm Females, situated on Rincon Hill, San Francisco.

Referred to Committee on Hospitals.

## SECOND READING OF BILLS.

Senate Bill No. 130—An Act appropriating money for the completion of the Branch Normal School building at Los Angeles, and for the improvement of the grounds about the same.

Read second time, amendment by the committee adopted, and ordered engrossed.

Senate Bill No. 196—An Act to provide for the purchase of certain portraits by the State Board of Examiners, and to appropriate money therefor.

Read second time, amendments by committee adopted, and the bill as amended ordered engrossed.

Assembly Bill No. 27—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand two hundred and seven, providing the manner in which preferred labor claims may be disputed.

Read second time, and placed on file for third reading.

Assembly Joint Resolution No. 1—Relative to the Mexican veteran pension bill.

Read second time, and placed on file for third reading.

## REPORT OF STANDING COMMITTEE—(OUT OF ORDER).

## ON RULES.

SENATE CHAMBER, SACRAMENTO, February 9, 1883.

MR. PRESIDENT: Your Committee on Rules, to whom was referred a resolution to amend Rules Five and Seven of the Standing Rules of the Senate, and the amendment to Rule Seven—have had the same under consideration, and now report the same back and recommend that Rule Five be adopted, and also Rule Seven as amended.

LANGFORD, Chairman.

On motion, the report of the Committee on Rules was taken up for immediate consideration.

Rule Five, as amended:

- V. After the reading and approving of the Journal, the order of business shall be as follows:
  1. Presentation of Petitions.
  2. Reports of Standing Committees.
  3. Reports of Select Committees.
  4. Messages from the Governor.
  5. Messages from the Assembly.
  6. Special Orders of the Day.
  7. Introduction of Bills.
  8. First Reading of Bills.
  9. Second Reading of Bills.
  10. Motions, Resolutions, and Notices.
  11. Business on the General File, and Third Reading of Bills.
  12. Unfinished business of the preceding day.
  13. Reports from the Committee on Enrollment and Engrossment shall at all times be in order; *provided*, that the messages from the Governor, State officers, and from the Assembly, may, on motion of any Senator, be considered at any time.

Upon the question of the adoption of the rule as amended, the roll was called, with the following result:

AYES—Messrs. Baldwin, Cross, Del Valle, Dougherty, Dudley, English, Fileher, Foster, Keating, Kelly, of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, Murphy, Reynolds, Ryan, Sullivan, Wallis, and Whitney—21.

NOES—Messrs. Cronan, Harrigan, Nelson, Perry, Routier, and Steele—6.

Adopted.

Rule Seven, as amended:

## VII.—THE GENERAL AND SPECIAL FILES—THEIR HOURS—SPECIAL ORDER OF BILLS ON FILE.

The Secretary shall, from time to time, make up a file, to be known as the Special File, on which he shall place the General Appropriation Bill, the Tax Levy Bills, the Apportionment Bills, the General County and Township Government Bills, the General Municipal Corporation Bills, the General Road and Highway Bills, the General Street Bills, for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers therein in municipalities, bills proposing amendments to the Constitution, and shall have precedence in the order named in this resolution, and he shall place no other bills thereon. Said Special File shall be considered in the Order of Business, as prescribed in Rule Five, under the head of Special Orders of the Day, until the business on said file shall be finally disposed of.

If there are no bills on the Special File, then the General File shall be the Special Order for each day from two o'clock until three o'clock and thirty minutes p. m., unless sooner disposed of. But no bill shall lose its place upon the file by expiration of the time, or by adjournment of the Senate, while it is under consideration—and this order shall take precedence of all others except the Special File.

Upon the question of the adoption of Rule Seven, as amended, the roll was called, with the following result:

AYES—Messrs. Baldwin, Cross, Del Valle, English, Fileher, Foster, Keating, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Reynolds, Ryan, Steele, Sullivan, and Wallis—19.



NOES—Messrs. Cronan, Harrigan, Kelly of San Francisco, Nelson, Perry, Routier, and Whitney—7.

Adopted.

#### ADJOURNMENT.

At five o'clock and thirty minutes P. M., on motion of Senator Wallis, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Saturday, February 10, 1883. }

The Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Filcher, Foster, Harrigan, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Maddox, McCarthy, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of yesterday read and approved.

#### LEAVE OF ABSENCE.

Leave of absence for one day granted to Senators McClure, Kellogg, Spencer of Stanislaus, Fraser, Murphy, Johnson, Lynch, and Reddy.

On motion of Mr. Whitney, the message of the Governor relating to the exposition at Amsterdam and the accompanying letter from the Consul from the Netherlands, were ordered printed.

#### REPORTS OF STANDING COMMITTEES.

##### ON PUBLIC AND SWAMP AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 10, 1883.

MA. PRESIDENT: Your Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 270—have had the same under consideration, and now report the same back, and recommend that it do pass.

COX, Chairman.

##### ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 10, 1883.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 38—"An Act to authorize the Treasurer of the State to pay out certain moneys paid into the treasury under an Act entitled 'An Act to promote drainage,' approved April 23, 1880"—have had the same under consideration, and recommend that it do not pass.

Also, Senate Bill No. 261—"An Act to provide for the payment of William Saunders"—and report it back, with recommendation that it do pass.

Also, Senate Bill No. 269—"An Act to provide and pay for services rendered for the State by John Marty, Albert Grubbs, and Theodore Dosh"—and report it back without recommendation.

Also, Senate Bill No. 56—"An Act to provide for the payment of water supplied to the State

Prison at San Quentin by the Marin County Water Company prior to the thirty-second fiscal year"—and recommend that the author be allowed to withdraw it.

Also, Senate Bill No. 243—"An Act for the relief of H. D. Gamble"—and recommend that the author be allowed to withdraw it.

KELLEY of Solano, Chairman.

By consent, Mr. Keating, the author, was allowed to withdraw Senate Bill No. 243.

ON PUBLIC BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 10, 1883.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds would report as follows: They have had under consideration Senate Bill No. 47—An Act to appropriate the sum of ten thousand dollars for the improvement and inclosing of the grounds of the Deaf, Dumb, and Blind Asylum—and report the same back with a recommendation that it do not pass.

CRONAN, Chairman.

ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 10, 1883.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 259—An Act respecting the sale by retail of spirituous, malt, or fermented liquors and wines—have had the same under consideration, and report the same back to the Senate, and recommend its passage as amended.

REYNOLDS, Chairman.

ON APPORTIONMENT.

SENATE CHAMBER, SACRAMENTO, February 10, 1883.

MR. PRESIDENT: Your Committee on Apportionment, to whom was referred Senate Bill No. 65—An Act to divide the State into Assembly Districts, and provide for the election of Assemblymen therein—have had the same under consideration, and report the same as amended, and recommend its passage as amended.

Also, Senate Bill No. 64—An Act to divide the State into Senatorial Districts, and provide for the election of Senators therein—and recommend that it pass as amended.

SULLIVAN, Chairman.

ON PUBLIC PRINTING.

SACRAMENTO, February 10, 1883.

MR. PRESIDENT: Your Committee on Public Printing having had under consideration Senate Bill No. 266—An Act to amend sections seven hundred and seventy-eight, seven hundred and seventy-nine, seven hundred and eighty, and seven hundred and eighty-one of the Political Code of the State of California, in relation to printing the reports of the Supreme Court of the State, and to repeal section seven hundred and eighty-two of the same Code, and now report the same back to the Senate, and recommend its passage.

SPENCER, Chairman.

RESOLUTION—(OUT OF ORDER).

*Resolved*, That the compiling of a complete general file be dispensed with on Thursdays, and that the same be issued on Mondays only.

Adopted.

MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 9, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the seventh day of February, eighteen hundred and eighty-three, passed Senate Bill No. 10—An Act to amend the Constitution.

M. C. HALEY, Chief Clerk.

By G. W. HERBERT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the eighth day of February, A. D. eighteen hundred and eighty-three, passed Assembly Bill No. 303—An Act in relation to railroads.

Referred to Committee on Corporations.

Also, on February ninth, passed Assembly Bill No. 56—An Act concerning the destruction of wild animals in the different counties of the State, and authorizing the Boards of Supervisors of each of said counties to fix and determine the bounty for the destruction of the same.

Referred to Committee on Fish and Game.

Also, Assembly Bill No. 72—An Act regulating the taking up of estray animals and posting the same.

M. C. HALEY, Chief Clerk.

Referred to Committee on Agriculture.

#### INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Perry: Senate Bill No. 310—An Act to amend section two thousand five hundred and fifty-eight of the Civil Code, relating to void insurance policies.

Referred to Committee on Corporations.

Also, Senate Bill No. 311—An Act to amend section two thousand five hundred and sixty-two of the Civil Code, relating to an intentional concealment.

Referred to Committee on Corporations.

Also, Senate Bill No. 312—An Act to amend section two thousand five hundred and eighty-seven of the Civil Code, relating to insurance policies, what the policies must contain and specify.

Referred to Committee on Corporations.

Also, Senate Bill No. 313—An Act to amend section two thousand five hundred and ninety-three of the Civil Code, relating to the transfer of property insured, and the transfer of the policy issued upon such insurance.

Referred to Committee on Corporations.

Also, Senate Bill No. 314—An Act to amend section two thousand five hundred and ninety-six of the Civil Code, relating to valued policies of insurance.

Referred to Committee on Corporations.

Also, Senate Bill No. 315—An Act to amend section two thousand six hundred and eighteen of the Civil Code, relating to canceling a policy of insurance and a repayment to the insured of a certain proportion of the premium, in certain cases.

Referred to Committee on Corporations.

Also, Senate Bill No. 316—An Act to amend section two thousand six hundred and thirty-three of the Civil Code, relating to the exonerating of the insurer in case of loss.

Referred to Committee on Corporations.

Also, Senate Bill No. 317—An Act to amend section two thousand six hundred and thirty-four of the Civil Code, relating to proof required of a loss by the insured.

Referred to Committee on Corporations.

Also, Senate Bill No. 318—An Act to add a new section to the Civil Code, to be known as section two thousand six hundred and fifty-six, relating to the contract of marine insurance, and specifying what the form of said contract of marine insurance shall be.

Referred to Committee on Corporations.

Also, Senate Bill No. 319—An Act to amend section two thousand

five hundred and eighty-three of the Civil Code, relating to the time when a right to rescind a contract of insurance shall be exercised.

Referred to Committee on Corporations.

By Mr. Baldwin (by request): Senate Bill No. 320—An Act to provide a remedy in cases where damages have been sustained by the irregular and illegal proceedings of municipal officers, and for the payment of the same.

Referred to Judiciary Committee.

By Mr. Sullivan (by request): Senate Bill No. 321—An Act to appropriate the sum of three thousand dollars for the purpose of paying the rent of the Hastings College of Law, San Francisco.

Referred to Finance Committee.

#### CALL OF THE SENATE.

Mr. Sullivan demanded a call of the Senate.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Filcher, Foster, Harrigan, Kelly of San Francisco, Knight, Maddox, Perry, Reddy, Reynolds, Rontier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, and Wolfskill.

Further proceedings under the roll-call dispensed with.

#### FIRST READING OF BILLS.

Assembly Bill No. 1—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and to substitute the same in place of said repealed chapter two in said Code, relating to roads and highways.

Read first time, and placed on file for second reading.

Senate Bill No. 160—An Act making an appropriation of fifteen thousand dollars for the protection and improvement of the buildings and grounds of the State University.

Read first time, and placed on file for second reading.

Senate Bill No. 279—An Act making an appropriation for a deficiency in the appropriation for postage and expressage in the office of the Superintendent of Public Instruction for the thirty-third fiscal year.

Read first time, and placed on file for second reading.

Senate Bill No. 280—An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-third fiscal year.

Read first time, and placed on file for second reading.

Senate Bill No. 281—An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-second fiscal year.

Read first time, and placed on file for second reading.

Senate Bill No. 129—An Act to declare a part of the branch of the San Joaquin River, known as Middle River, not navigable.

Read first time, and placed on file for second reading.

Senate Bill No. 208—Passed on file.

Senate Bill No. 123—An Act to amend section one thousand and ninety-seven of an Act entitled "An Act to establish a Political Code,"

approved March 12, 1872, relating to elections and registration of voters.

Read first time, and placed on file for second reading.

Senate Bill No. 165—Passed on file.

Senate Bill No. 68—An Act to promote and encourage the development of the mineral resources of the State of California and for the support of the Mining Bureau.

Read first time, and placed on file for second reading.

Senate Bill No. 131—An Act to appropriate money for the support of aged and indigent persons residing in the home of the Veterans' Home Association.

Read first time, and placed on file for second reading.

Mr. Cross moved to reconsider the vote by which Senate Bill No. 23 was refused a first reading.

Carried.

Mr. Cross moved to indefinitely postpone the question of the first reading of this bill.

Mr. Perry moved to postpone until Monday, February twelfth, eighteen hundred and eighty-three.

Lost.

The question recurring on the original motion, it was carried.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Ryan:

*Resolved*, That the Committee on Counties, County Governments, and Township Organization, to whom was referred Senate Bill No. 44, be requested to report the same back to the Senate on Monday, February twelfth, eighteen hundred and eighty-three.

Adopted.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bill was introduced, read by title, and referred to committee:

By Mr. Baldwin: Senate Bill No. 322—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known as section nine hundred and sixty, relating to appeals.

Referred to Judiciary Committee.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

##### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 10, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration, and do now report back to the Senate, Senate Bill No. 211—Entitled "An Act fixing jurisdiction and providing compensation for Justices of the Peace in cities and towns"—and recommend its passage.

Also, Senate Bill No. 168—Entitled "An Act to add a new section to the Penal Code, to be known as and numbered section eight hundred and eighty-four, relating to examinations and complaints in criminal cases"—and recommend its passage.

Also, Assembly Bill No. 19—Entitled "An Act to repeal section one thousand three hundred and fifty-two of the Code of Civil Procedure, concerning a married woman as executrix"—and recommend that it do not pass.

Also, Assembly Bill No. 20—Entitled "An Act to amend section one thousand three hundred and sixty-nine of the Code of Civil Procedure, concerning persons not entitled to act as administrator or administratrix of an estate"—and recommend its passage.

Also, Assembly Bill No. 49—Entitled "An Act to amend section one thousand three hundred and sixty of the Civil Code, and prescribe the order in which the property of a testator must be resorted to for the payment of legacies"—and recommend its passage.



Also, Senate Bill No. 118—Entitled "An Act to amend section two hundred and forty-one of an Act to establish a Penal Code, approved February 14, 1872, relative to the punishment of assault"—and recommend that it do not pass.

Also, Senate Bill No. 105—Entitled "An Act to repeal section three hundred and thirty-eight of an Act to establish a Code of Civil Procedure, approved March 11, 1872, and to amend section three hundred and forty of said Act, relative to the time of commencing actions other than for the recovery of real property"—and recommend that it do not pass.

CROSS, Chairman.

#### ADJOURNMENT.

At twelve o'clock and fifteen minutes P. M., on motion of Mr. Kelley of Solano, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Monday, February 12, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names :

Messrs. Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, Filcher, Foster, Harrigan, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Steele, Sullivan, Taylor, Wallis, and Whitney.

Quorum present.

Journal of Saturday read and approved.

Mr. Perry requested that the name of the author of Senate Bill No. 298 should be corrected on the file, by substituting the name of Mr. Harrigan for that of Mr. Perry.

So ordered.

Senators Del Valle, English, and Baldwin were granted one day's leave of absence.

#### REPORTS OF STANDING COMMITTEES.

##### ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 12, 1883.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 159—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section three thousand four hundred and seventy-eight, relative to nuisances—have had the same under consideration, and report the same back, and recommend that it be referred to the Committee on Mines and Mining.

Also, Senate Bill No. 177—An Act to regulate insurance companies—and recommend its passage.

Also, Senate Bill No. 215—An Act to prohibit gas and water companies from charging consumers for pipes communicating with supply pipes on street mains, and the line of the street or sidewalk curb fronting the premises to be supplied, and there making connection with the pipes of the consumers—and recommend its passage, with amendments.

Also, Senate Bill No. 229—An Act to amend section four hundred and seventy-three of the Civil Code, relating to the consolidation of the capital stock, debts, profits, assets, and franchises of railroad corporations, and to authorize such consolidation between railroad corporations organized in this State and railroad corporations of adjoining States—and report the same back without recommendation.

Also, Senate Bill No. 277—An Act to add two new sections to the Civil Code, concerning savings and loan corporations, to be known as sections five hundred and eighty and five hundred and eighty-one—and recommend that it do not pass.

RYAN, Chairman.

Senate Bill No. 159 was referred to Committee on Mines.

#### MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 10, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 225—An Act to amend section one thousand and ninety-seven of an Act to establish a Political Code, approved March 12, 1872.

M. C. HALEY, Chief Clerk.

By G. W. HERBERT, Assistant Clerk.

Referred to Committee on Elections.

#### SPECIAL FILE—FIRST READING.

Senate Bill No. 65—An Act to divide the State into Assembly Districts, and provide for the election of Assemblymen therein.

Read first time, and placed on file for second reading.

Senate Bill No. 64—An Act to divide the State into Senatorial Districts, and to provide for the election of Senators therein.

Read first time, and placed on file for second reading.

Senate Bills Nos. 51 and 71, and Assembly Bill No. 1, were passed on file.

#### INTRODUCTION OF BILLS.

The following bills were introduced, read by title, and referred to committees:

By Mr. Whitney: Senate Bill No. 323—An Act entitled "An Act to amend section five thousand five hundred and one of the Civil Code," relating to rates of fares of street railroads.

Referred to Committee on Corporations.

By Mr. Taylor: Senate Bill No. 324—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, and to add six new sections thereto, to be known as sections three hundred and fifty-seven *a*, three hundred and fifty-seven *b*, three hundred and fifty-seven *c*, three hundred and fifty-seven *d*, three hundred and fifty-seven *e*, and three hundred and fifty-seven *f*, relating to the unlawful possession, driving, marking, branding, purchase, and sale of stock and the hides of animals.

Referred to Judiciary Committee.

By Mr. Foster: Senate Bill No. 325—An Act to add certain sections to the Civil Code of this State, in relation to the franchises of corporations, to be known as title seventeen, of part four, of division first, of said Civil Code.

Referred to Committee on Corporations.

By Mr. Knight: Senate Bill No. 326—An Act to provide for the disposal of moneys remaining in the building fund of any school district after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings.

Referred to Judiciary Committee.

## GENERAL FILE—FIRST READING OF BILLS.

Senate Bill No. 208—An Act to amend section two thousand three hundred and forty-nine of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, declaring certain streams and waters public ways.

Read first time, and placed on file for second reading.

Senate Bill No. 145—An Act to amend section three hundred and fifty-five of the Civil Code, relative to the powers and purposes of corporations.

Read first time, and placed on file for second reading.

Senate Bill No. 261—An Act to provide for the payment of the claim of William Saunders.

Read first time, and placed on file for second reading.

Senate Bill No. 269—An Act to provide and pay for services rendered for the State of California by John Marty, Albert Grubbs, and Theodore Dosh.

Read first time, and placed on file for second reading.

Senate Bill No. 38—Re-referred to Committee on Claims.

Senate Bill No. 270—An Act to amend section fourteen of an Act entitled "An Act to provide for funding the indebtedness of Levee District Number Two of Sutter County," approved March 9, 1876.

Read first time, and placed on file for second reading.

Senate Bill No. 259—An Act respecting the sale by retail of spirituous, malt, and fermented liquors and wines.

Read first time, and placed on file for second reading.

Senate Bill No. 47—Passed on file.

Senate Bill No. 266—An Act to amend sections seven hundred and seventy-eight, seven hundred and seventy-nine, seven hundred and eighty, and seven hundred and eighty-one of the Political Code of the State of California, in relation to printing the reports of the Supreme Court of the State, and to repeal section seven hundred and eighty-two of the same Code.

Read first time, and placed on file for second reading.

Senate Bill No. 211—An Act fixing jurisdiction and providing compensation for Justices of the Peace in cities and towns.

Read first time, and placed on file for second reading.

Senate Bill No. 168—An Act to add a new section to the Penal Code, to be numbered section eight hundred and eighty-four, relating to examinations and complaints in criminal cases.

First reading refused.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Mr. Spencer of Napa: Senate Bill No. 327—An Act to amend an Act entitled "An Act to provide for the future management of the Napa State Asylum for the Insane," approved March 6, 1876.

Referred to Committee on Public Buildings.

By Mr. McClure: Senate Bill No. 328—An Act to amend section thirty-five hundred and seventy-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the repayment of moneys received for certain lands and school land warrants.

Referred to Judiciary Committee.

By Mr. Perry: Senate Bill No. 329—An Act entitled "An Act relating to swamp land surveys."

Referred to Committee on Public, Swamp, and Overflowed Lands.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, February 12, 1883.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 249—An Act to amend section four of an Act entitled "An Act to create a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

RYAN, Chairman.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Sullivan:

*Resolved*, That the Committee on Commerce and Navigation be requested to report back Senate Bill No. 220 on Wednesday, February fourteenth, eighteen hundred and eighty-three.

Mr. Cross moved to amend by substituting the words "within a reasonable time."

Mr. Ryan proposed an amendment to the amendment, as follows:

*Resolved*, That the Chairman of the Committee on Commerce and Navigation be and hereby is directed to report back Senate Bill No. 220 at once, and without recommendation.

Lost.

The question recurring on the amendment offered by Mr. Cross, the ayes and noes were demanded by Senators Sullivan, Knight, and Kellogg.

Roll called, with the following result:

AYES—Messrs. Chandler, Cross, Dudley, Maddox, Ryan, Steele, Wallis, and Whitney—8.

NOES—Messrs. Cox, Cronan, Dougherty, Filcher, Foster, Fraser, Harrigan, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, McCarthy, McClure, Reynolds, Routier, Spencer of Napa, Sullivan, Taylor, and Wolfskill—22.

Amendment lost.

The question recurring on the original resolution, the ayes and noes were demanded by Senators McClure, Spencer of Napa, and Knight.

Roll called, with the following result:

AYES—Messrs. Chandler, Cox, Cronan, Cross, Dougherty, Filcher, Foster, Fraser, Harrigan, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, Reynolds, Routier, Spencer of Napa, Steele, Sullivan, Wallis, and Wolfskill—24.

NOES—Messrs. Dudley, McCarthy, McClure, Taylor, and Whitney—5.

Adopted.

#### ADJOURNMENT.

At five o'clock and thirty minutes P. M., on motion of Senator Maddox, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, February 13, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Chandler, Cox, Cronan, Cross, Dougherty, Dudley, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of yesterday read, corrected, and approved.

Leave of absence for one day granted to Senator Del Valle.

## PETITIONS.

By Mr. Vrooman: A petition from the Common Council of the City of Oakland, relating to salaries of Justices of the Peace.  
Referred to Judiciary Committee.

## REPORTS OF STANDING COMMITTEES.

## ON ENROLLED BILLS.

SENATE CHAMBER, SACRAMENTO, February 13, 1883.

MR. PRESIDENT: Your Committee on Enrolled Bills beg leave to report that they have carefully compared Senate Bill No. 10, and find the same correctly enrolled, and that said bill has been duly presented to the Governor.

HARRIGAN, Chairman.

## ON JUDICIARY.

SENATE CHAMBER, February 13, 1883.

MR. PRESIDENT: Your Judiciary Committee have had under consideration, and do now report back to the Senate, Senate Bill No. 101—Entitled an Act to amend section sixteen of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April 16, 1880—and recommend its passage as amended.

Also, Senate Bill No. 103—Entitled an Act to amend sections one thousand nine hundred and eighty-nine, one thousand nine hundred and ninety-one, one thousand nine hundred and ninety-three, and one thousand nine hundred and ninety-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to witnesses—and recommend its passage as amended.

Also, Assembly Bill No. 52—Entitled an Act to more fully define the separate property of husband and wife, and for that purpose to amend sections one hundred and sixty-two and one hundred and sixty-three of the Civil Code of California—and recommend its passage.

Also, Assembly Bill No. 54—Entitled an Act to amend section one thousand one hundred and two of the Code of Civil Procedure and define the writ of prohibition—and recommend that it do not pass.

Also, Assembly Bill No. 60—Entitled an Act to amend section four hundred and eighty-seven of the Penal Code of the State of California, in relation to the larceny of certain animals—and recommend that it do not pass.

Also, Assembly Bill No. 61—Entitled an Act to amend section eight hundred and ninety of the Code of Civil Procedure, and provide that in certain cases judgment of dismissal may be entered in actions in Justices' Courts—and recommend its passage.

Also, Assembly Bill No. 84—Entitled an Act to amend section three thousand seven hundred and seventy-nine of the Political Code of the State of California, relating to the vesting and divesting of the lien of the State in purchaser at tax sale—and recommend that it do not pass, for the reason that the Senate has already passed a similar bill.

Also, Assembly Bill No. 98—Entitled an Act for the relief of persons whose lands have been



sold to the State for taxes—and recommend that it do not pass, because the Senate has already passed a similar bill.

Also, Assembly Bill No. 99—Entitled “An Act to amend section seventy-eight of the Civil Code, relating to establishing the validity of marriage”—and recommend its passage.

CROSS, Chairman.

#### ON ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 12, 1883.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred Senate Bills Nos. 130, 115, 99, 116, 196, and 58—have examined the same, and find them properly engrossed.

NELSON, Chairman.

#### MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 12, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills:

Assembly Bill No. 106—An Act to provide apparatus for the Deaf, Dumb, and Blind Asylum.

Referred to Committee on Finance.

Also, Assembly Bill No. 230—An Act to authorize the Boards of Supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture.

Referred to Committee on Agriculture.

Also, Assembly Bill No. 241—An Act to amend section three hundred and fifty-nine of the Civil Code, relating to increasing and diminishing the capital stock of corporations.

Referred to Judiciary Committee.

Also, Assembly Bill No. 288—An Act providing the manner and time of submitting proposed amendments to the Constitution of the State of California to the people.

Referred to Judiciary Committee.

Also, Assembly Bill No. 290—An Act to add a new section to the Penal Code, to be known as section one thousand three hundred and eighty-eight, to provide for the probationary treatment of juvenile delinquents.

Referred to Judiciary Committee.

Also, Assembly Bill No. 189—An Act to amend section five hundred and ninety-nine of the Civil Code of the State of California, relating to corporations.

Referred to Committee on Corporations.

Also, Assembly Bill No. 212—An Act amendatory of and supplemental to an Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled “An Act for the relief of the inhabitants of cities and towns upon public lands,” approved March 2, 1867, approved March 2, 1868.

Referred to Committee on City, City and County, and Town Governments.

Also, Assembly Bill No. 229—An Act to amend section two hundred and ninety-nine of the Civil Code, relating to the filing by corporations in the office of County Clerk certified copies of the copy of its articles of incorporation filed in the office of the Secretary of State, and certifies showing the names and places of residence of certain officers of any such corporation.

Referred to Judiciary Committee.

Also, Senate Bill No. 14—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to assignments for the benefit of creditors.

Also, Senate Bill No. 16—An Act to amend section two thousand two hundred and eighty-two of "An Act to establish a Civil Code," approved March 21, 1872, relating to the manner in which a trustee may be discharged from his trust.

Also, Senate Bill No. 31—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to authentication of marriage.

## Senate Bills Nos. 14, 16, and 31 referred to Committee on Enrolled Bills.

Also, Assembly Bill No. 91—An Act to amend section six hundred and thirty-three, subdivision thirteen thousand six hundred and thirty-one of the Penal Code of the State of California, relating to the preservation of game and fish.

## Referred to Committee on Fish and Game.

Also, Assembly Bill No. 103—An Act to amend section one thousand eight hundred and eighty of the Political Code, relating to elections upon the questions upon the issuance of bonds of school districts for the purpose of raising money for school purposes.

## Referred to Committee on Education.

Also, Assembly Bill No. 133—An Act to amend section one thousand two hundred and thirty-five of the Penal Code, relating to appeals in criminal cases.

## Referred to Judiciary Committee.

Also, Assembly Bill No. 135—An Act to amend section five hundred and thirty-two of the Penal Code, and prescribe punishment for obtaining money or property by false pretense and by false reports of wealth.

## Referred to Judiciary Committee.

Also, Assembly Bill No. 78—An Act to amend sections three hundred and twelve and three hundred and fifteen of the Civil Code, in relation to elections held or votes had for any purpose by corporations.

## Referred to Committee on Corporations.

Also, Assembly Bill No. 157—An Act to add a new section to the Penal Code, to be known as section one thousand one hundred and thirty-two, providing for the exclusion and separation of witnesses during the taking of testimony.

## Referred to Judiciary Committee.

Also, Assembly Bill No. 137—An Act to amend sections seven hundred and fourteen and seven hundred and nineteen of the Code of Civil Procedure, relating to the proceedings supplementary to the execution.

## Referred to Judiciary Committee.

Also, Assembly Bill No. 158—An Act to add a new section to the Penal Code, to be known as section twenty-eight, providing that ignorance or mistake of fact shall constitute no defense to certain accusations.

## Referred to Judiciary Committee.

Also, Assembly Bill No. 217—An Act to appropriate money to N. B. Fish, Sheriff of Sierra County, to pay amount due him for conveying prisoners Malaspina and Castro from Downieville, in Sierra County, to Folsom State Prison.

## Referred to Committee on Claims.

Also, Assembly Bill No. 243—An Act making appropriations to pay deficiencies in the appropriations for the support of the government for the thirty-fourth fiscal year.

Referred to Committee on Finance.

Also, Assembly Bill No. 190—An Act to amend section three hundred and four of the Civil Code, relating to corporations.

Referred to Committee on Corporations.

Also, Assembly Bill No. 247—An Act to authorize and empower the State Board of Harbor Commissioners to adjust and pay the claim of Daniel McNiel.

Referred to Committee on Claims.

Also, Assembly Bill No. 182—An Act to amend section three thousand seven hundred and eighty-eight of the Political Code, relating to revenue.

Referred to Judiciary Committee.

Also, Assembly Bill No. 200—An Act to amend section three thousand eight hundred and ninety-seven of the Political Code, in relation to the manner of sale of property purchased by the State at delinquent tax sales.

Referred to Judiciary Committee.

Also, Assembly Bill No. 201—An Act to enable the Board of Supervisors, or other legislative body, of any city and county, or city or town, in the State of California, to fix the standard illuminating power and fix the price of gas.

Referred to Committee on City, City and County, and Town Governments.

M. C. HALEY, Chief Clerk.  
By G. W. HERBERT, Assistant Clerk.

#### SPECIAL FILE—FIRST READING.

On motion of Mr. Langford, seconded by Mr. Ryan, the further consideration of Senate Bills Nos. 51 and 71 was indefinitely postponed.

#### SECOND READING.

Assembly Bill No. 1—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and to substitute the same in place of said repealed chapter two in said Code, relating to roads and highways.

Read second time as far as and including section two thousand six hundred and forty-two.

Section two thousand six hundred and twenty-one amended, by inserting the word "hereafter" immediately after the word "shall," in line four; also, by striking out all in line five, after the word "supervisors," and by adding at the end of the section the following: "or by dedication by the owner of the land affected."

Section two thousand six hundred and forty-two amended, by inserting the following after the word "petition": "for the unexpired term."

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Mr. Maddox: Senate Bill No. 330—An Act to provide a Contingent Fund for the Senate for the twenty-fifth session of the Legislature.

Referred to Finance Committee.

By Mr. Lynch: Senate Bill No. 331—An Act to amend sections two thousand four hundred and thirty-three, two thousand four hundred and thirty-six, two thousand four hundred and forty, and two thousand four hundred and forty-three of article five of the Political Code, relating to pilots and Pilot Commissioners, and two thousand four hundred and fifty-seven, two thousand four hundred and sixty, two thousand four hundred and sixty-two, two thousand four hundred and sixty-five, two thousand four hundred and sixty-six, and two thousand four hundred and sixty-seven of article six of the Political Code, relating to the pilot regulations for San Francisco, Mare Island, and Benicia.

Referred to Committee on Commerce and Navigation.

By Mr. Johnson: Senate Bill No. 332—An Act to amend section five, article eleven, of the Constitution of the State of California.

Referred to Judiciary Committee.

By Mr. English: Senate Bill No. 333—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-second fiscal year.

Referred to Finance Committee.

Also, Senate Bill No. 334—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-third fiscal year.

Referred to Finance Committee.

Also, Senate Bill No. 335—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-fourth fiscal year.

Referred to Finance Committee.

By Mr. Langford: Senate Bill No. 336—An Act fixing the terms of office of all officers whose appointment is now or may hereafter be vested in the Governor, except those provided for in the Constitution, and to regulate the tenure thereof.

Referred to Judiciary Committee.

By Mr. English: Senate Bill No. 337—An Act to authorize the State Treasurer to refund and pay over certain moneys received from the sale of certain State lands.

Referred to Committee on Public, Swamp, and Overflowed Lands.

By request of the author, and by unanimous consent, Senate Bill No. 177 was re-referred to the Committee on Corporations.

## REPORT OF COMMITTEE—(OUT OF ORDER).

### ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, February 13, 1883.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Senate Bill No. 191—An Act to prevent the adulteration of milk, and to create the office of Milk Inspector in the several counties of the State; and Senate Bill No. 275—An Act for the protection of dairymen and dealers in and consumers of milk, and to prevent deception in the sale thereof—have had the same under consideration, and report the same back with a substitute, and recommend the passage of the substitute for both bills.

Also, Senate Bill No. 206—An Act for the further promotion and protection of the viticultural industries of the State—and recommend its passage as amended.

Also, Senate Bill No. 301—An Act to authorize the erection of a State agricultural and industrial exhibition building on the State Capitol grounds, and to appropriate money therefor—and recommend its passage.

Also, Senate Bill No. 153—An Act to amend section seven of "An Act to define and enlarge the duties and powers of the State Board of Viticultural Commissioners, and to authorize its appointment of certain officers, and to protect the interests of horticulture and viticulture," approved March 4, 1881—and recommend that it do not pass.

WOLFSKILL, Chairman.

# RESOLUTIONS—(OUT OF ORDER).

By Mr. Knight:

*Resolved*, That the Committee on Elections be authorized to have one hundred and fifty copies of the testimony and accompanying documents in the case of J. M. Brooks against George Steele printed, and one copy of such testimony placed upon the desk of each Senator.

Adopted.

By Mr. Reddy:

*Resolved*, That the Controller of State is hereby directed to draw his warrant in favor of B. C. Breir for the sum of five hundred and thirty-nine dollars and sixty cents (\$539 60), due for reporting and transcribing testimony taken before the Senate Committee on State Prisons, payable out of the Contingent Fund of the Senate.

Referred to Committee on Contingent Expenses and Mileage.

By Mr. Langford:

*Resolved*, That W. E. Maguire be and he is hereby allowed the sum of twelve dollars, payable out of the Contingent Fund, for services rendered as Rear Porter for the following named days: January ninth, tenth, and eleventh, eighteen hundred and eighty-three.

Referred to Committee on Contingent Expenses and Mileage.

The hour having arrived, the President ordered a recess.

# REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Chandler, Cox, Cronan, Cross, Dougherty, Dudley, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

# SPECIAL ORDERS.

Consideration of the Governor's message relative to Senate Joint Resolution No. 25, passed by the Legislature of the State of Nevada.

Message read, and referred to the Committee on Irrigation, Water Rights, Drainage, and Mining Debris.

Consideration of opinion of Judiciary Committee concerning the Regents of the State University.

Postponed until Tuesday, February twentieth, eighteen hundred and eighty-three.

# SPECIAL FILE.

Second reading of Assembly Bill No. 1—(resumed).

Mr. Fraser moved to amend section two thousand six hundred and forty-two by striking out the words "a majority" in line two, and insert in lieu thereof "not less than twenty."

Ayes and noes demanded.

Roll called, and the amendment lost by the following vote:



AYES—Messrs. Filcher, Foster, Fraser, Harrigan, Keating, Kelly of San Francisco, Kellogg, Reynolds, and Ryan—9.

NOES—Messrs. Chandler, Cox, Cronan, Cross, Dougherty, Dudley, English, Johnson, Knight, Langford, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Routier, Steele, Sullivan, Taylor, Vrooman, Wallis, and Whitney—23.

Section two thousand four hundred and forty-two further amended by striking out, in line two, the words "containing the names of," and inserting in lieu thereof the words "signed by."

Mr. Routier moved to amend section two thousand six hundred and forty-three by striking out subdivision eleven.

Ayes and noes demanded, roll called, and the amendment lost by the following vote:

AYES—Messrs. Cronan, Cross, Dudley, McCarthy, Perry, Reddy, Routier, Vrooman, and Wallis—9.

NOES—Messrs. Chandler, Cox, English, Filcher, Foster, Fraser, Johnson, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, Reynolds, Ryan, Steele, Sullivan, Taylor, and Whitney—19.

Section two thousand six hundred and forty-five, subdivision five, amended by adding after the word "collections," in line twenty-two, the words "shall be allowed said road overseers."

#### SPECIAL ORDER FOR THREE O'CLOCK P. M.

Consideration of Senate Bills Nos. 170, 182, 183, 181, and 192.

By consent, Senate Bill No. 182 was withdrawn by the author, Mr. Harrigan.

Mr. Harrigan offered a substitute for Senate Bill No. 181.

Substitute read.

Mr. Cross moved to amend by striking out the word "October," in line four of section six hundred and twenty-six, and inserting in lieu thereof the word "September."

Ayes and noes demanded.

Roll called, and the amendment lost by the following vote:

AYES—Messrs. Cross, Filcher, Fraser, Johnson, Reynolds, Ryan, Steele, Vrooman, Wallis, and Wolfskill—10.

NOES—Messrs. Chandler, Cox, Cronan, Dougherty, English, Harrigan, Keating, Kelly of San Francisco, Kelley of Solano, Knight, Langford, Lynch, Maddox, McCarthy, Nelson, Perry, Reddy, Routier, Taylor, and Whitney—20.

Mr. Johnson moved to amend section six hundred and twenty-six by inserting after the word "misdemeanor," in line six, the following: "*provided*, that this section shall not prevent the owner or occupant of lands, or members of his family, from killing or trapping quail or partridges upon such premises."

Ayes and noes demanded.

Roll called, and the amendment lost by the following vote:

AYES—Messrs. Chandler, Cross, Johnson, Knight, Maddox, Reddy, Reynolds, Steele, and Wolfskill—9.

NOES—Messrs. Cox, Cronan, Dougherty, Dudley, English, Filcher, Harrigan, Keating, Kelly of San Francisco, Kelley of Solano, Langford, Perry, Routier, Ryan, Taylor, Vrooman, and Wallis—17.

Mr. Cross moved to amend section six hundred and twenty-six, by adding after the word "misdemeanor," in line six, the following:

"*provided*, that any person may kill any game when necessary to protect his crops."

Ayes and noes demanded.

Roll called, and the amendment lost by the following vote:

AYES—Messrs. Chandler, Cross, Johnson, Kelley of Solano, Kellogg, Knight, Reddy, Reynolds, Steele, Sullivan, Vrooman, and Wolfskill—12.

NOES—Messrs. Cronan, Dougherty, English, Filcher, Fraser, Harrigan, Keating, Kelly of San Francisco, Langford, Maddox, Perry, Routier, Taylor, and Wallis—14.

Mr. Cross moved to amend section six hundred and twenty-six by adding after the word "*misdemeanor*," in line six, the following: "*provided*, that any person may kill any quail when necessary to protect his crops."

Ayes and noes demanded.

Roll called, and the amendment lost by the following vote:

AYES—Messrs. Cross, Filcher, Fraser, Johnson, Knight, Reddy, Reynolds, Steele, Vrooman, and Wolfskill—10.

NOES—Messrs. Chandler, Cox, Cronan, Dougherty, Harrigan, Keating, Kelly of San Francisco, Kelley of Solano, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Routier, Sullivan, Taylor, Wallis, and Whitney—20.

Section six hundred and twenty-six amended by striking out the word "*June*," in line ten, and inserting in lieu thereof the word "*July*."

On the question of the adoption of the substitute to Senate Bill No. 181—An Act to amend sections six hundred and twenty-six, six hundred and thirty-one, six hundred and thirty-two, six hundred and thirty-four, and six hundred and thirty-six, and to repeal sections six hundred and twenty-seven, six hundred and twenty-eight, and six hundred and twenty-nine of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the preservation of game and fish.

Ayes and noes demanded by Senators Cross, Vrooman, and Langford.

Roll called, and the substitute adopted by the following vote:

AYES—Messrs. Chandler, Cox, Cronan, Dougherty, English, Filcher, Fraser, Harrigan, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, McClure, Perry, Routier, Steele, Sullivan, Taylor, and Wallis—20.

NOES—Messrs. Cross, Johnson, Maddox, Reynolds, Vrooman, and Wolfskill—6.

#### ADJOURNMENT.

At four o'clock and thirty minutes p. m., on motion, the Senate adjourned.

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#### IN SENATE.

SENATE CHAMBER,  
Wednesday, February 14, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Speneer of Napa, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of yesterday read and approved.

#### PETITIONS.

By Mr. Whitney: Petition from residents of Berkeley, Alameda County, praying for the passage of a law for the protection of life and property from explosions.

Referred to Committee on Public Buildings.

Also, a petition from the Ladies' Relief Society of Oakland, praying for State aid.

Referred to Committee on Finance.

#### REPORTS OF STANDING COMMITTEES.

##### ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 14, 1883.

MR. PRESIDENT: Your Committee on Elections herewith respectfully return to your honorable body the original papers and documents referred to them in the contested election case of Buck vs. Dndley—the same having been printed, and copies placed upon the desks of Senators.

KELLOGG, Chairman.

##### ON PUBLIC BUILDINGS.

SENATE CHAMBER, February 14, 1883.

MR. PRESIDENT: In the discharge of the duty imposed on them by law, to examine into the condition of the public buildings of the State, and to report thereon, your Committee on Public Buildings and Grounds have made a careful examination of the buildings and grounds of the State Asylum for the Insane at Stockton, and report as follows: They find one hundred and fifty-three patients crowded into an old and dilapidated frame building, utterly unfit for the purposes for which it is used, liable at any moment to destruction by fire—particularly in the Summer time—thereby not only endangering the safety of the unfortunate inmates, but also the surrounding buildings. We also find no provision made for an increase in the number of inmates, which is sure to occur, owing to the crowded condition of the Napa Asylum. We also find the sewerage to be both a costly and dangerous system, being pumped from reservoirs upon the ground and then allowed to soak in. This has been continued so long that the ground cannot receive any more, and as a consequence the air is contaminated beyond endurance. In joint session with Committee on Public Buildings and Grounds of the Assembly, we have agreed upon the accompanying bill, appropriating the sum of one hundred and sixty-three thousand dollars (\$163,000) for the erection of a building capable of accommodating three hundred patients, and for a proper system of sewerage and water supply.

They have also had under consideration Senate Bill No. 327—An Act to amend an Act entitled "An Act to provide for the management of the Napa State Asylum for the Insane"—and would recommend its passage.

CRONAN, Chairman.

##### ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 14, 1883.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Bill No. 214—An Act to authorize the Governor of the State of California to reconvey to the United States a part of the lands heretofore granted to the State of California by Act of Congress of July 2, 1862, and listed to the State of California under the Agricultural College grant of one hundred and fifty thousand acres—do now report the same back, and recommend that it do pass.

BALDWIN, Chairman.  
Per Wm. CRONAN.

##### ON COMMERCE AND NAVIGATION—(MINORITY REPORTS).

SENATE CHAMBER, SACRAMENTO, February 14, 1883.

MR. PRESIDENT: The undersigned, a minority of the Committee on Commerce and Navigation, to whom was referred Senate Bill No. 220—An Act to amend sections two thousand five hun-

dred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, to repeal section two thousand five hundred and thirty-four of said Code, and to add a new section thereto, to be known as section two thousand five hundred and fifty-four, and to repeal certain sections of an Act approved March 17, 1880, entitled "An Act to amend section six of an Act entitled 'An Act concerning the water front of the City and County of San Francisco, approved March 15, 1878, and to confer further powers on the Board of State Harbor Commissioners,'" all of said sections relating to the Board of State Harbor Commissioners, their powers and duties—have had the same under consideration, and report the same back, and recommend its passage.

LYNCH, Chairman.

#### SECOND MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 14, 1883.

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 220—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, to repeal section two thousand five hundred and thirty-four of said Code, and to add a new section thereto, to be known as section two thousand five hundred and fifty-four, and to repeal certain sections of an Act approved March 17, 1880, entitled "An Act to amend section six of an Act entitled 'An Act concerning the water front of the City and County of San Francisco, approved March 15, 1878, and to confer further powers on the Board of State Harbor Commissioners,'" all of said sections relating to the Board of State Harbor Commissioners, their powers and duties—have had the same under consideration, and now report the same back, and recommend that it do not pass.

T. MCCARTHY.  
GEO. E. WHITNEY.

#### THIRD MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 14, 1883.

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 220—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, to repeal section two thousand five hundred and thirty-four of said Code, and to add a new section thereto, to be known as section two thousand five hundred and fifty-four, and to repeal certain sections of an Act approved March 17, 1880, entitled "An Act to amend section six of an Act entitled 'An Act concerning the water front of the City and County of San Francisco, approved March 15, 1878, and to confer further powers on the Board of State Harbor Commissioners,'" all of said sections relating to the Board of State Harbor Commissioners, their powers and duties—have had the same under consideration, and report the same back without recommendation.

PIERCE H. RYAN.  
T. K. NELSON.

#### ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 13, 1883.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 255—An Act prohibiting banks or savings and loan societies, and the attorneys, counsel, and other employes thereof, from charging borrowers for searching or passing upon the title to property mortgaged to said banks or societies, and providing for the appointment and payment of attorneys and counselors of such banks and societies—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

Also, Senate Bill No. 253—An Act to prevent a monopoly of common carriers—have had the same under consideration, and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 254—An Act to regulate and limit the charges for services performed by telegraph corporations—and recommend that it do not pass.

Also, recommitment Senate Bill No. 177—An Act to regulate insurance companies—and recommend its passage.

Also, Senate Bill No. 256—An Act to limit and fix the rates and price of gas in all cities in the State of California—and recommend its passage with amendments.

Also, Senate Bill No. 299—An Act to prevent discrimination by gas companies in the State of California—and recommend its passage with amendment.

Also, Senate Bill No. 290—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding two new sections thereto, to be known as sections three thousand four hundred and seventy-seven and three thousand four hundred and seventy-five, relative to public nuisances—and recommend that it do not pass.

Also, Assembly Bill No. 78—An Act to amend sections three hundred and twelve and three

hundred and fifteen of the Civil Code, in relation to elections held or votes had for any purpose by corporations—and recommend that it do not pass, for the reason that a similar bill has already passed the Senate, and is upon the second reading file of the Assembly.

Also, Assembly Bill No. 189—An Act to amend section five hundred and ninety-nine of the Civil Code of the State of California, relating to corporations—and recommend that it do not pass.

RYAN, Chairman.

ON LABOR AND CAPITAL.

SENATE CHAMBER, February 14, 1883.

MR. PRESIDENT: Your Committee on Labor and Capital, to whom was referred Assembly Bill No. 30—An Act to establish and support a Bureau of Labor Statistics—have had the same under consideration, and recommend the passage of the same as amended.

DOUGHERTY, Chairman.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 13, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly on this day passed the following bills:

Assembly Bill No. 58—An Act to add a new section to the Penal Code, to be known as section forty [2], to prevent the sale of adulterated milk.

Referred to Committee on Agriculture.

Also, Assembly Bill No. 153—An Act to authorize the erection of a State agricultural and industrial exhibition building on the State Capitol grounds, and to appropriate money therefor.

Placed on file for first reading.

Also, Senate Bill No. 12—An Act to amend section three hundred and twenty-six of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to stocks and stockholders.

Referred to Committee on Enrolled Bills.

Also, Assembly Bill No. 67—An Act to amend the law relating to persons of unsound mind.

Referred to Committee on Hospitals.

Also, Assembly Bill No. 167—An Act authorizing certain corporations to act as executor, administrator, guardian, trustee, agent, depository, or receiver.

Referred to Committee on Corporations.

Also, Assembly Bill No. 21—An Act supplementary to an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management of the same by the State," approved April 15, 1880.

Referred to Committee on Agriculture.

Also, Assembly Bill No. 32—An Act to establish a State Board of Horticulture and appropriate moneys for the expense thereof.

Referred to Committee on Agriculture.

Also, Assembly Bill No. 16—An Act to compel individuals, companies, or corporations, owning or controlling water for purposes of irrigation to distribute the water pro rata among purchasers in time of scarcity.

Referred to Committee on Irrigation, Water Rights, Drainage, and Mining Debris.

Also, Assembly Bill No. 246—An Act entitled an Act relating to unapproved swamp land surveys.



## Referred to Committee on Irrigation, Water Rights, Drainage, and Mining Debris.

Also, Assembly Bill No. 55—An Act to amend section three thousand four hundred and ninety-four of the Political Code of the State of California, so as to reduce the interest on the balance of the purchase money on all sales of State school lands and lands selected in lieu thereof, made prior to January first, eighteen hundred and eighty-one, from ten to seven per cent per annum.

## Referred to Judiciary Committee.

Also, Assembly Bill No. 310—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880.

M. C. HALEY, Chief Clerk.  
By G. W. HERBERT, Assistant Clerk.

## Referred to Committee on Finance.

### INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Committee on Public Buildings: Senate Bill No. 338—An Act to provide for the erection of a building for the insane at the State Asylum at Stockton and for the improvement of the drainage and water supply thereof.

Placed on file.

By Mr. Ryan: Senate Bill No. 339—An Act to compel Assessors to assess property at its full cash value.

Referred to Judiciary Committee.

By Mr. Keating: Senate Bill No. 340—An Act to authorize the Coroner in consolidated city and county governments to appoint a physician to hold autopsies, and fix his compensation for the same.

Referred to Committee on Hospitals.

By Mr. Cox (by request): Senate Bill No. 341—An Act to incorporate religious societies.

Referred to Committee on Public Morals.

By Mr. Johnson: Senate Bill No. 342—An Act to amend sections twenty-two, twenty-three, and twenty-four, of article twelve, of the Constitution of the State of California.

Referred to Judiciary Committee.

By Mr. Foster: Senate Bill No. 343—An Act authorizing the Boards of Supervisors of the several counties of the State to pass ordinances in relation to trespassing animals.

Referred to Committee on Agriculture.

By Mr. Cronan: Senate Bill No. 344—An Act to regulate fire, marine, and inland insurance companies transacting business in this State.

Referred to Committee on Corporations.

Also, Senate Bill No. 345—An Act to provide a remedy in certain cases.

Referred to Committee on Claims.

Also, Senate Bill No. 346—An Act to repeal section one thousand eight hundred and sixty-one of the Civil Code, approved April 1, 1876.

Referred to Judiciary Committee.

Also, Senate Bill No. 347—An Act to regulate sailor boarding houses and shipping offices, and to provide for the creation of a Board of Commissioners, and prescribing their powers and duties.

Referred to Committee on Commerce and Navigation.

By Mr. Vrooman: Senate Bill No. 348—An Act to appropriate money for the construction and completion of roads and trails, and generally to improve and preserve the territory within the limits of the Yosemite Valley and Mariposa Big Tree Grant.

Referred to Committee on Yosemite Valley and Big Tree Grove.

#### SPECIAL FILE.

Second reading of Assembly Bill No. 1—(resumed).

Mr. Kellogg moved to amend section two thousand six hundred and fifty-two by striking out in line eight the words "by two days' labor," and inserting in lieu thereof the words "under such commutation rules as may be established by the Board of Supervisors, and such work to be done."

Ayes and noes demanded.

Roll called, and the amendment adopted by the following vote:

AYES—Messrs. Cronan, Cross, Del Valle, English, Filcher, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Perry, Reddy, Routier, Sullivan, Wallis, Whitney, and Wolfskill—17.

NOES—Messrs. Chandler, Dudley, Fraser, Langford, Maddox, Reynolds, Ryan, Spencer of Napa, Steele, and Taylor—10.

Section two thousand six hundred and fifty-three amended, by adding thereto the following: "*Provided*, That said property tax for highway purposes shall not exceed the sum of forty cents upon each one hundred dollars of assessable property in any one year."

Section two thousand six hundred and eighty-three amended, by striking out in lines four and five the words "and the road not finally opened."

Section two thousand six hundred and ninety-two amended, by adding at the end of line twelve the following: "*Provided*, That all private roads opened or laid out under the provisions of this Act, shall be upon section or half section lines wherever practicable."

#### RECESS.

The hour having arrived, the President declared a recess.

#### REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

Hon. R. F. Del Valle, President pro tem., in the chair.

The roll was called, and the following Senators answered to their names:

Messrs. Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

By request, and with consent, Senate Bill No. 290 was referred to the Committee on Commerce and Navigation, and Assembly Bill No. 310 was referred to the Committee on Hospitals.

President Daggett in the chair.

## REPORTS OF COMMITTEES—(OUT OF ORDER).

## ON CLAIMS.

SENATE CHAMBER, February 14, 1883.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Assembly Bill No. 247—"An Act to authorize and empower the State Board of Harbor Commissioners to adjust and pay the claim of Daniel McNeil"—beg leave to report that they have considered the same, and recommend its passage.

KELLEY of Solano, Chairmn.

## ON PUBLIC BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 14, 1883.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds would report as follows: They have visited the Napa State Asylum for the Insane, and find it crowded to almost its full capacity. Inasmuch as they have recommended an appropriation for the erection of new buildings at the State Asylum at Stockton, they do not deem it necessary to provide further accommodations for patients at Napa.

In joint session with the Committee on Public Buildings and Grounds of the Assembly, they have decided to recommend for passage a bill providing for the erection of buildings and improvements, and for the purchase of grounds for the purpose of a landing place; also, for providing for a system of fire protection.

We have also examined the institution for the education of the deaf, dumb, and blind, and would recommend an appropriation of four thousand dollars for the improvement of the water supply for that institution.

CRONAN, Chairman.

## ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 14, 1883.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 310—An Act to amend section two thousand five hundred and fifty-eight of the Civil Code, relating to void insurance policies—have had the same under consideration, and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 311—An Act to amend section two thousand five hundred and sixty-two of the Civil Code, relating to an intentional concealment—and recommend that it do not pass.

Also, Senate Bill No. 313—An Act to amend section two thousand five hundred and ninety-three of the Civil Code, relating to the transfer of property insured, and the transfer of the policy issued upon such insurance—and recommend its passage with amendment.

Also, Senate Bill No. 314—An Act to amend section two thousand five hundred and ninety-six of the Civil Code, relating to valid policies of insurance—and recommend its passage with amendment.

Also, Senate Bill No. 315—An Act to amend section two thousand six hundred and eighteen of the Civil Code—relating to canceling a policy of insurance and a repayment to the insured of a certain proportion of the premium in certain cases, and recommend its passage with amendment.

Also, Senate Bill No. 316—An Act to amend section two thousand six hundred and thirty-three of the Civil Code—relating to the exonerating of the insurer in case of loss, and recommend that it do not pass.

Also, Senate Bill No. 317—An Act to amend section two thousand six hundred and thirty-four of the Civil Code—relating to proof required of a loss by the insured, and recommend its passage with amendments.

Also, Senate Bill No. 319—An Act to amend section two thousand five hundred and eighty-three of the Civil Code—relating to the time when a right to rescind a contract of insurance shall be void, and recommend its passage with amendments.

RYAN, Chairman.

## MINORITY REPORT.

SACRAMENTO, February 14, 1883.

MR. PRESIDENT: The undersigned, a minority of your Committee on Corporations, dissents from the report of the majority of said committee on Senate Bill No. 314, and I recommend that said bill do not pass.

HENRY VROOMAN.

## ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 14, 1883.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz.:

*Resolved*, That the Controller of the State is hereby authorized and directed to draw his warrant in favor of Benjamin Knight, Jr., for mileage account of Senate Committee on Hospitals, the sum of two hundred and forty-one dollars and ninety cents, as per statement herewith:

NAMES.		Miles.	Amount.
Senator Whitney, to Stockton and return	-----	96	\$9 60
Senator Spencer of Stanislaus, to Stockton and return	-----	96	9 60
Senator Wolfskill, to Stockton and return	-----	96	
Sacramento to San Francisco	-----	86	
San Francisco to San Rafael	-----	26	
San Rafael to Petaluma	-----	12	
Petaluma to San Francisco	-----	38	
San Francisco to Berkeley	-----	10	
Berkeley to Railroad	-----	5	
Berkeley to Sacramento	-----	86—551	55 10
Senator Langford, to Stockton and return	-----	96	
San Francisco	-----	86	
San Francisco to San Rafael	-----	26	
San Rafael to Petaluma	-----	12	
Petaluma to San Francisco	-----	38	
San Francisco to Berkeley	-----	10	
Berkeley to Railroad	-----	5	
to Vallejo	-----	30	
Vallejo to Napa	-----	30	
Napa to Sacramento	-----	61—394	39 40
Senator Knight, to Stockton and return	-----	96	
San Francisco	-----	86	
San Francisco to San Rafael	-----	26	
San Rafael to Petaluma	-----	12	
Petaluma to San Francisco	-----	38	
San Francisco to Berkeley	-----	10	
Berkeley to Railroad	-----	5	
to Vallejo	-----	30	
Vallejo to Napa	-----	30	
Napa to San Francisco	-----	60	
San Francisco to Santa Cruz	-----	121	
Santa Cruz to Sacramento	-----	205—719	71 90
Secretary Leake, to Stockton and return	-----	96	
Sacramento to San Francisco	-----	86	
San Francisco to San Rafael	-----	26	
San Rafael to Petaluma	-----	12	
Petaluma to San Francisco	-----	38	
San Francisco to Berkeley	-----	10	
Berkeley, return to cars	-----	5	
Berkeley to Vallejo	-----	30	
Vallejo to Napa	-----	30	
Napa to San Francisco	-----	60	
San Francisco to Santa Cruz	-----	121	
Santa Cruz to Watsonville	-----	20	
Watsonville to Asylum and return	-----	6	
Watsonville to San Juan and return	-----	30	
Watsonville to Sacramento	-----	185—755	75 50

The Committee on Contingent Expenses beg leave to report and recommend that the above be adopted.

### Adopted.

Also, the following:

Your Committee on Public Buildings and Grounds would report as follows: They have visited the State Insane Asylum at Napa, State Normal School at San José, the Institution for the Deaf, Dumb, and Blind, the State University, and Stockton Insane Asylum, and members are entitled to mileage as follows:

Senator Cronan—Sacramento to Napa	-----	61 miles.
Napa to Berkeley	-----	46 miles.
Berkeley to San José	-----	55 miles.
San José to Stockton via San Francisco	-----	142 miles.
Stockton to Sacramento	-----	48 miles.
Sacramento to Berkeley and return	-----	182 miles.

Total ----- 534 miles.

Amount due ----- \$53 40

Senator Spencer of Napa—Sacramento to Napa	61 miles.
Napa to Berkeley	46 miles.
Berkeley to Sacramento	91 miles.
Total	198 miles.
Amount due	\$19 80
Senator Keating—Sacramento to Napa	61 miles.
Napa to Berkeley	46 miles.
Berkeley to San José	55 miles.
San José to Stockton via San Francisco	142 miles.
Stockton to Sacramento	48 miles.
Total	352 miles.
Amount due	\$35 20
Senator Dougherty—Sacramento to Napa	61 miles.
Napa to Berkeley	46 miles.
Berkeley to San José	55 miles.
San José to Stockton via San Francisco	142 miles.
Stockton to Sacramento	48 miles.
Total	352 miles.
Amount due	\$35 20
Senator Fraser—Sacramento to Napa	61 miles.
Napa to Berkeley	46 miles.
Berkeley to San José	55 miles.
San José to Stockton via San Francisco	142 miles.
Stockton to Sacramento	48 miles.
Sacramento to Berkeley and return	182 miles.
Total	534 miles.
Amount due	\$53 40
Senator Baldwin—Sacramento to Napa	61 miles.
Napa to Berkeley	46 miles.
Berkeley to San José	55 miles.
San José to Stockton via San Francisco	142 miles.
Stockton to Sacramento	48 miles.
Total	352 miles.
Amount due	\$35 20
Senator Maddox—Sacramento to Napa	61 miles.
Napa to San José	89 miles.
San José to Stockton via San Francisco	142 miles.
Stockton to Sacramento	48 miles.
Total	340 miles.
Amount due	\$34 00
P. J. O'Connor, Clerk—Sacramento to Napa	61 miles.
Napa to Berkeley	46 miles.
Berkeley to San José	55 miles.
San José to Stockton via San Francisco	142 miles.
Stockton to Sacramento	48 miles.
Sacramento to Berkeley and return	182 miles.
Total	534 miles.
Amount due	\$53 40

The Committee on Contingent Expenses and Mileage have had the above under consideration, and recommend that it do pass.

### Adopted.

Also, the following:

*Resolved*, That S. P. Maslin is appointed Porter of room forty-one, and his salary fixed at four dollars per day, to date from January fourteenth, eighteen hundred and eighty-three—have had the same under consideration, and recommend that it do not pass.

On the question of the adoption of the original resolution, the ayes and noes were demanded by Senators Filcher, Wallis, and Routier.

Roll called, and the resolution adopted by the following vote:



**AYES**—Messrs. Chandler, Cronan, Cross, Del Valle, Dougherty, English, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, McCarthy, Nelson, Perry, Reddy, Routier, Ryan, Spencer of Napa, Steele, Sullivan, Vrooman, Wallis, and Whitney—28.

**NOES**—Messrs. Dudley, Filcher, Foster, Maddox, McClure, Reynolds, and Wolfskill—7.

Also, the following:

*Resolved*, That J. F. Toomey be allowed and paid out of the Contingent Fund of the Senate the sum of sixty-five dollars, as and for the expenses on the part of the Senate due the said Toomey for his expenses and costs in the matter of hack hire incurred by the Committee on Inauguration.

The Committee on Contingent Expenses have had the same under consideration, and report it back without recommendation.

### Original resolution adopted.

Also, the following:

*Resolved*, That W. E. Maguire be and he is hereby allowed the sum of twelve (12) dollars, payable out of the Contingent Fund of the Senate, for services rendered as Rear Porter for the following named days: January ninth, tenth, and eleventh, eighteen hundred and eighty-three.

The committee have had the same under consideration, and recommend that it do not pass.

MADDOX, Chairman.

### Report adopted, and original resolution lost.

#### SPECIAL ORDER.

Consideration of majority and minority reports of Committee on Elections in the contested case of Buck vs. Dudley.

Mr. Kellogg moved that the majority report of the committee be adopted.

Mr. McClure moved to amend by substituting the word "minority" in lieu of "majority."

Pending the debate on this motion, at five o'clock and twenty-five minutes P. M., on motion of Senator Reddy, the Senate took a recess until seven o'clock and thirty minutes P. M.

#### REASSEMBLED.

At seven o'clock and thirty minutes P. M. the Senate reassembled. President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Chandler, Cronan, Del Valle, Dougherty, Dudley, Filcher, Foster, Fraser, Johnson, Kelly of San Francisco, Kellogg, McClure, Reddy, Reynolds, Routier, Sullivan, Taylor, and Wallis.

Mr. Dougherty moved a call of the Senate.

Roll called, and the following Senators answered to their names:

Messrs. Chandler, Cronan, Del Valle, Dougherty, Dudley, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Steele, Sullivan, Taylor, and Wallis.

Quorum present.

On motion of Mr. Ryan, further proceedings under the roll-call were dispensed with.

Debate continued.

Hon. R. F. Del Valle, President pro tem., in the chair.

Statement made by Mr. Dudley, the sitting member, and at the

conclusion of his remarks, in accordance with the ruling of the President, he withdrew from the Senate.

At eleven o'clock and ten minutes P. M., on motion of Mr. Kellogg, the further consideration of this subject was made a special order for Friday, February sixteenth, eighteen hundred and eighty-three, immediately after the reading of the Journal.

#### ADJOURNMENT.

On motion, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Thursday, February 15, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Chandler, Cox, Cross, Del Valle, Dougherty, Dudley, English, Fileher, Foster, Fraser, Harrigan, Johnson, Keating, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of yesterday read and approved.

#### REPORTS OF STANDING COMMITTEES.

##### ON ENROLLED BILLS.

SENATE CHAMBER, SACRAMENTO, February 14, 1883.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bill No. 14; also, Senate Bill No. 16; also, Senate Bill No. 31, and that the same have this day been placed in the hands of the Governor.

HARRIGAN, Chairman.

##### ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 15, 1883.

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 235—An Act in relation to the inspection of steam boilers in the State of California—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

RYAN, Chairman.

##### ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 15, 1883.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 50—Entitled "An Act to provide for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities"—have had the same under consideration, and do report the same back amended, and recommend that the same do pass as amended.

JOHNSON, Chairman.

Five hundred copies of this bill, as amended, ordered printed.

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 15, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration Senate Bill No. 112—Entitled "An Act for the relief of James Saultry, for personal injuries received by him in the service of the State"—referred to them for an opinion as to its constitutionality—and do now report the same back to the Senate, with the opinion that it is constitutional.

Also, Senate Bill No. 142—Entitled "An Act to amend section one thousand four hundred and twenty-eight of an Act entitled 'An Act to establish a Political Code, approved March 12, 1872'"—and do now report the same back to the Senate, with an amendment thereto, and recommend its passage as amended.

Also, Senate Bill No. 178—Entitled "An Act to amend section two hundred and forty-five of an Act entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the number and designation of officers and employés of the Senate"—and do now report the same back to the Senate, and recommend its passage.

Also, Senate Bill No. 237—Entitled "An Act to amend section one thousand seven hundred and forty-one of an Act entitled 'An Act to establish a Code of Civil Procedure,'" approved March 11, 1872, relative to fees chargeable to estates in the hands of the Public Administrator—and do now report the same back to the Senate, and recommend its passage.

Also, Senate Bill No. 210—Entitled "An Act to amend an Act entitled 'An Act to establish a Penal Code,'" approved February 14, 1872, by adding a new section to title sixteen of part one, by adding a new section thereto, to be numbered section six hundred and seventy-nine, relating to punishments—and do now report the same back to the Senate, and recommend its passage.

Also, Senate Bill No. 180—Entitled "An Act to authorize the levy and collection of business licenses, and to punish a failure to procure the same"—and do now report the same back to the Senate, and recommend that it be referred to the Committee on Counties, County Governments, and Township Organization.

Also, Senate Bill No. 102—Entitled an Act to amend section six hundred and nine of an Act entitled an Act to establish a Code of Civil Procedure, approved March 11, 1872, relating to instructions to juries—and do now report the same back to the Senate with an amendment thereto, and recommend its passage as amended.

Also, Senate Bill No. 107—Entitled an Act to appropriate money to pay the claim of W. T. Boardman, Sherman Day, and Grant I. Taggart, for services as commissioners in the action of the People of the State of California, ex rel. Jo Hamilton, Attorney-General, vs. A. P. Pfeiffer et al., in Third District Court for Alameda County—referred to this committee for an opinion as to its constitutionality, and do now report the same back to the Senate, with the opinion that it is constitutional, and recommend its reference to the Committee on Claims.

Also, Senate Bill No. 260—Entitled an Act to amend an Act entitled an Act to establish a Penal Code, approved February 14, 1872, by adding a new section thereto, to be known as section six hundred and fifty-four *a*, relating to owners of and possessors of dogs that kill or damage sheep, and creating a misdemeanor—and do now report the same back to the Senate with an amendment thereto, and recommend its passage as amended.

CROSS, Chairman.

Senate Bills Nos. 112 and 107—Referred to Committee on Claims.

Senate Bill No. 180—Referred to Committee on Counties, County Governments, and Township Organization.

On motion of Mr. Whitney, one hundred additional copies of Senate Bill No. 313 was ordered printed.

## MESSAGES FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 14, 1883. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 10, amendment to the Constitution.

GEORGE STONEMAN, Governor.

Also the following:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 14, 1883. }

*To the honorable the Senate of the State of California:*

MR. PRESIDENT: I have the honor to herewith transmit a Joint Memorial from the Legislature of the State of Nevada, in relation to the boundary line between the States of California and Nevada.

GEORGE STONEMAN, Governor.

This message and accompanying memorial referred to the Committee on Federal Relations.

# MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the following resolution:

*Resolved*, That the Senate be requested to return to the Assembly, Assembly Bill No. 46—An Act to repeal an Act entitled "An Act to repeal an Act entitled 'An Act concerning trespassing of animals upon private lands in certain counties in the State of California,' " approved March 7, 1878.

M. C. HALEY, Chief Clerk.  
By G. W. HERBERT, Assistant Clerk.

So ordered.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, February 14, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 138—An Act to amend an Act entitled "An Act to create the County of San Benito, to establish the boundaries thereof, and to provide for its organization," approved February 12, 1874, providing for a change of boundaries thereof.

M. C. HALEY, Chief Clerk.  
By G. W. HERBERT, Assistant Clerk.

Referred to Committee on Counties, County Governments, and Township Organization.

## SPECIAL FILE.

Second reading.

Senate Bills Nos. 65 and 64 passed on file.

Second reading of Assembly Bill No. 1—(resumed).

Mr. Whitney moved to amend subdivision two thousand seven hundred and twelve by inserting at the end of the section the following: "Or by vote of two thirds of the Board of Supervisors, said Board may, in their discretion, order a portion of the cost of construction of bridges only to be paid out of the County General Fund, as well as the General Road Fund."

Ayes and noes demanded by Senators Vrooman, Ryan, and Fraser.

Roll called, and the amendment adopted by the following vote:

AYES—Messrs. Chandler, Del Valle, Dudley, Filcher, Foster, Johnson, Kellogg, Knight, Langford, McClure, Perry, Routier, Steele, Sullivan, Vrooman, Wallis, and Whitney—17.

NOES—Messrs. Cox, English, Fraser, Harrigan, Lynch, Maddox, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, and Wolfskill—12.

Hon. R. F. Del Valle, President pro tem., in the chair.

Subdivision two thousand seven hundred and thirteen amended by inserting after the word "least," in line five, the following: "once a week for."

Subdivision two thousand seven hundred and thirty-two, amended by inserting in line two, after the word "he," the following: "be known to the person giving such notice and."

Subdivision two thousand seven hundred and thirty-seven, amended by inserting after the word "irrigation," in line twelve, the words "mining or drainage." Also, by striking out the word, "forthwith" in line nine, and inserting in lieu thereof the following: "within a reasonable time." Also, by adding to the section the following: "*provided*, that every person who knowingly allows the carcass of any dead animal (which animal belonged to him at the time of its death) to be put or to remain within one hundred feet of

any street, alley, public highway, or road in common use, and every person who puts the carcass of any dead animal within one hundred feet of any street, alley, highway, or road in common use, or who shall deposit on any highway, any refuse or waste tin, sheet iron, or broken glass, is guilty of a misdemeanor."

Subdivision two thousand seven hundred and thirty-eight amended by adding the following: "It shall be the duty of the Board of Supervisors to cause guide-posts, with suitable inscriptions thereon, to be erected at all road crossings and forks of roads outside of any corporate limits."

Subdivision two thousand seven hundred and forty-one amended by striking out the word "may," in line one, and inserting the words "must when ordered by the Board of Supervisors so to do."

Subdivision two thousand seven hundred and forty-two amended by striking out the words "twenty-five," in line three, and inserting in lieu thereof the words "one hundred."

On motion of Mr. Vrooman, subdivisions two thousand seven hundred and forty-five and two thousand seven hundred and forty-six were stricken out, on the ground that their provisions were fully covered by other subdivisions.

Mr. Knight moved to amend, by adding a new subdivision, as follows:

No person who is habitually engaged in teaming in any of the counties of this State, shall use any cart or wagon on the public roads, except as hereafter in this section provided. All carts and wagons, exclusive of wagons employed to carry passengers, having iron axles, shall have tires as follows: if the axle be, in its vertical diameter, one and a half inches, the tire shall be two and a half inches wide; if one and three-quarter inches, the tire shall be three and a half inches wide; if two inches, the tire shall be three and a half inches wide; if two and a quarter inches, the tire shall be four inches wide; if two and a half inches, the tire shall be four and a half inches wide; if over two and a half inches, the tire shall be five inches wide. Or if the axle be of wood, then the tire shall be as follows: for wagons constructed to carry one and a half tons burden, the tire shall be two and a half inches wide; if to carry two tons, the tire shall be three inches wide; if to carry two and a half tons, the tire shall be three and a quarter inches wide; if to carry three tons, the tire shall be three and a half inches wide; if to carry four tons, the tire shall be four inches wide; if to carry five tons, the tire shall be four and a half inches wide; and if over five tons, the tire shall be five inches wide; *provided*, nothing in this section shall be construed as applicable to wagons used on any road prior to July first, eighteen hundred and eighty-three.

Lost.

On motion of Mr. Ryan, the title of article eight was corrected by striking out subdivisions two thousand seven hundred and forty-five and two thousand seven hundred and forty-six.

#### ADJOURNMENT.

At twelve o'clock and thirty minutes P. M., on motion of Senator Kellogg, the Senate adjourned.

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#### IN SENATE.

SENATE CHAMBER, }  
Friday, February 16. 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:



Messrs. Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Dudley, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of yesterday read and approved.

#### RESOLUTION—(OUT OF ORDER.)

By Mr. Cross: Senate Concurrent Resolution No. 12—In relation to Alaska Territory.

Read, and referred to Committee on Federal Relations.

#### INTRODUCTION OF BILLS—(OUT OF ORDER.)

The following bills were introduced, read by title, and referred to committees:

By Mr. McClure: Senate Bill No. 349—An Act to prohibit the burial of the dead within the corporate limits of any town, city, or city and county in this State, and to provide for the disposal of dead bodies.

Referred to Committee on City, City and County, and Town Governments.

By Mr. Kelley of Solano: Senate Bill No. 350—An Act to amend sections five hundred and fifty-two and five hundred and fifty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, concerning attachments.

Referred to Judiciary Committee.

By Mr. Spencer of Napa: Senate Bill No. 351—An Act to add four new sections to the Act entitled "An Act to establish a Political Code," approved March 12, 1872, having reference to the payment of interest upon the principal of warrants drawn upon the State Treasurer and not paid for want of funds.

Referred to Committee on Public Buildings.

By Committee on Public Buildings: Senate Bill No. 352—An Act to appropriate money for the improvement of the water supply for the Deaf and Dumb and Blind Asylum.

Placed on file.

By Mr. Knight: Senate Bill No. 353—An Act to authorize Boards of Supervisors to allow County Auditors to audit and County Treasurers to pay claims of persons who have, through a mistake as to the law, been elected to the office of Roadmasters.

Referred to Judiciary Committee.

By Mr. Spencer of Stanislaus: Senate Bill No. 354—An Act to amend section four thousand and forty-eight of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to funding and refunding county indebtedness.

Referred to Judiciary Committee.

By Committee on Education: Senate Bill No. 355—An Act to amend an Act entitled "An Act to create Hastings' College of the Law in the University of the State of California," approved March 26, 1878.

Placed on file.

By Joint Committee on Public Buildings: Senate Bill No. 356—

An Act for the appropriation of money for the erection of buildings and improvements and the purchase of land for the Napa State Asylum for the Insane.

Placed on file.

#### SPECIAL ORDER.

Consideration of majority and minority reports of Committee on Elections, in the contested case of Buck vs. Dudley.

Question being on the motion of Mr. Kellogg to adopt the majority report of the committee, and the amendment offered by Mr. McClure to substitute the word "minority" for the word "majority."

Ayes and noes demanded on the amendment, by Senators McClure, Vrooman, and Kellogg.

The roll was called, and the amendment lost by the following vote:

AYES—Messrs. Chandler, Fraser, McClure, Perry, Routier, Steele, Vrooman, Wallis, and Whitney—9.

NOES—Messrs. Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Keating, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—26.

The question recurring on the original motion to adopt the majority report of the committee, the ayes and noes were demanded by Senators Perry, McClure, and Vrooman.

Roll called, and the motion adopted by the following vote:

AYES—Messrs. Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—26.

NOES—Messrs. Chandler, Fraser, McClure, Perry, Routier, Steele, Vrooman, Wallis, and Whitney—9.

Mr. Kellogg moved that L. W. Buck be declared now entitled to his seat in the Senate from the Nineteenth District.

Ayes and noes demanded by Senators McClure, Vrooman, and Perry.

Roll called, and the motion adopted by the following vote:

AYES—Messrs. Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Whitney, and Wolfskill—29.

NOES—Messrs. Chandler, McClure, Perry, Routier, Steele, Vrooman, and Wallis—7.

The President appointed Senator Kellogg a committee of one to escort Mr. Buck to the desk and to his seat in the Senate.

Whereupon the oath of office was administered to Mr. L. W. Buck by the President.

#### RESOLUTION—(OUT OF ORDER).

By Mr. McClure: Senate Concurrent Resolution No. 13—Relative to the revenue cutter service of the Federal Government.

Referred to Committee on Federal Relations.

#### REPORTS OF STANDING COMMITTEES.

##### ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 16, 1883.

MR. PRESIDENT: Your Committee on Hospitals have had under consideration Assembly Bill No. 310—An Act to amend an Act entitled "An Act to appropriate money for the support of

orphans, half orphans, and abandoned children"—and report the same back, and recommend its passage.

KNIGHT, Chairman.

Mr. Perry gave notice of a minority report to be presented hereafter.

ON ENROLLED BILLS.

SENATE CHAMBER, SACRAMENTO, February 16, 1883.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bill No. 12, and that the same has this day been placed in the hands of the Governor.

HARRIGAN, Chairman.

ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 16, 1883.

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 308—An Act to declare the dry docks and marine ways in this State public dry docks and marine ways, when a compensation is asked for the use thereof, and to limit the compensation to be paid for such use—have had the same under consideration, and report the same back, and recommend its passage.

Also, Senate Bill No. 252—An Act to amend section two thousand five hundred and twenty-five of the Political Code, relating to the streets lying along the water front of the City and County of San Francisco—report the same back with amendment, and recommend its passage as amended.

Also, Senate Bill No. 144—An Act authorizing and directing the Board of State Harbor Commissioners to reduce or abolish the rate of dockage, wharfage, and tolls—report the same back, and recommend that it do not pass.

LYNCH, Chairman.

MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 16, 1883.

MR. PRESIDENT: The undersigned member of the Committee on Commerce and Navigation, to whom was referred Senate Bill No. 308—“An Act to declare the dry docks and marine ways in this State public dry docks and marine ways, when a compensation is asked for the use thereof, and to limit the compensation to be paid for such use”—has had the same under consideration, and report it back with the recommendation that it do not pass.

WHITNEY.

ON YOSEMITE PARK AND BIG TREE GROVE.

SENATE CHAMBER, SACRAMENTO, February 16, 1883.

MR. PRESIDENT: Your Committee on Yosemite Valley and Big Tree Grove, to whom was referred Senate Joint Resolution No. 3—Relative to securing from Congress an increase of the time for which the Commissioners of Yosemite Valley and Mariposa Big Tree Grove may grant leases to property therein—have had the same under consideration, and do now report the same back to the Senate, and recommend its passage as a Concurrent Resolution.

Also, Senate Bill No. 348—An Act to appropriate money for the construction and completion of roads and trails, and generally to improve and preserve the territory within the limits of the Yosemite Valley and Mariposa Big Tree Grant—have had the same under consideration, and do now report instead a substitute, and recommend the passage of said substitute.

SPENCER, Chairman.

ON PUBLIC, SWAMP, AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 16, 1883.

MR. PRESIDENT: Your Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 304—An Act to amend section three thousand four hundred and seventy-eight of an Act entitled an Act to establish a Political Code, approved March 12, 1872, relating to organization of swamp land reclamation districts—have had the same under consideration, and report the same back as amended, with a recommendation that it do pass.

Also, Senate Bill No. 337—An Act to authorize the State Treasurer to refund and pay over certain moneys received from the sale of certain State lands—have had the same under consideration, and report it back with a recommendation that it do pass.

COX, Chairman.

On motion of Senator Foster, Senate Bill No. 343 was recalled from the Committee on Agriculture, and referred to the Judiciary Committee, and Senate Bill No. 325 recalled from the Committee on Corporations, and referred to the Judiciary Committee.

## MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 15, 1883. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 14—An Act to amend sections three thousand four hundred and sixty-seven and three thousand four hundred and sixty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to assignments for the benefit of creditors.

Also, Senate Bill No. 16—An Act to amend section two thousand two hundred and eighty-two of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the manner in which a trustee may be discharged from his trust.

Also, Senate Bill No. 31—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to authentication of marriage.

GEORGE STONEMAN, Governor.

## REPORT OF COMMITTEE—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, February 16, 1883.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 330—An Act to provide a Contingent Fund for the Senate for the twenty-fifth session of the Legislature—have had the same under consideration, and report the same back, and recommend its passage.

MURPHY, Chairman.  
Per F. Cox.

On motion, Senate Bill No. 330 was read first time.

Mr. Del Valle moved that the rule relating to the reading of bills on three several days, in conformity with section fifteen of article four of the Constitution, be suspended, Senate Bill No. 330 be declared a case of urgency, and read the second time.

Pending the declaration of the vote on this motion, Mr. Kellogg demanded a

## CALL OF THE SENATE.

Roll called, and the following Senators answered to their names (a committee on temporary leave of absence having been recalled):

Messrs. Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

The President announced that only two members were absent, except on leave, and, on motion of Mr. Ryan, further proceedings under the call were dispensed with.

The roll-call on the motion of Mr. Del Valle was then proceeded with, and the result announced as follows:

AYES—Messrs. Buck, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, Nelson, Perry, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Taylor, Wallis, Whitney, and Wolfskill—32.

NOES—Messrs. Chandler, McClure, Routier, and Vrooman—4.

Carried.

Senate Bill No. 330—An Act to provide a Contingent Fund for the Senate for the twenty-fifth session of the Legislature.

Read second time.

The rules and provisions of the Constitution further suspended, and the bill read third time, and passed by the following vote:

AYES—Messrs. Buck, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, Nelson, Perry, Reddy, Reynolds, Roulier, Spencer of Napa, Spencer of Stanislaus, Steele, Taylor, Vrooman, Whitney, and Wolfskill—32.

NOES—Mr. Wallis—1.

Title read and approved.

Mr. Keating was, by consent, permitted to have his name recorded as voting "no" on the adoption of the minority report of the Committee on Elections, and voting "aye" on the adoption of the majority report.

#### SPECIAL FILE.

Second reading of Assembly Bill No. 1 resumed.

Hon. R. F. Del Valle, President pro tem., in the chair.

Pending debate on an amendment to section two of this bill, the hour arrived, and the President declared a recess.

#### REASSEMBLED.

At two o'clock p. m. the Senate reassembled.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Roulier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Senators McCarthy and Sullivan requested to have their names recorded as voting "no" on the adoption of the minority report of the Committee on Elections, and voting "aye" on the adoption of the majority report.

#### MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 16, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the fourteenth day of February, A. D. eighteen hundred and eighty-three, adopted Assembly Concurrent Resolution No. 31—Relative to the appointment of a commission to inquire into and report a plan for the preservation of the forests on the California shore of Lake Bigler.

Referred to Committee on Yosemite Park and Big Tree Grove.

Also, Assembly Bill No. 140—An Act to prevent the sale or disposition as butter of the substance known as oleomargarine or oleomargarine butter.

Referred to Committee on Agriculture.

Also, Assembly Bill No. 25—An Act to amend sections three, four, nine, and eleven of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State," approved April 15, 1880, so as to create two additional districts.

Referred to Committee on Agriculture.

Also, Senate Bill No. 330—An Act to provide a Contingent Fund for the Senate for the twenty-fifth session of the Legislature.



## Referred to Committee on Enrolled Bills.

Also, Assembly Bill No. 447—An Act to provide a Contingent Fund for the Assembly for the twenty-fifth session of the Legislature.

M. C. HALEY, Chief Clerk.

Upon motion of Mr. Ryan, this bill was placed on file, and read first time.

Mr. Ryan moved that the rule relating to the reading of bills on three several days, in conformity with section fifteen of article four of the Constitution, be suspended, Assembly Bill No. 447 be declared a case of urgency, and read the second time.

Upon this motion the roll was called, with the following result:

AYES—Messrs. Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Fileher, Foster, Fraser, Harrigan, Johnson, Keating, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Ryan, Spence of Napa, Spence of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—35.

NOES—None.

Carried.

Assembly Bill No. 447 read second time.

The rules and provisions of the Constitution further suspended, and the bill read third time, and passed by the following vote:

AYES—Messrs. Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Fileher, Foster, Fraser, Harrigan, Johnson, Keating, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spence of Napa, Spence of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—35.

NOES—None.

Title read and approved.

### SPECIAL ORDER.

Senate Bills No. 117 and 140—Consideration postponed until Wednesday, February twenty-first, eighteen hundred and eighty-three, at two o'clock p. m.

### SPECIAL FILE.

Second reading of Assembly Bill No 1—(resumed).

Mr. Whitney moved to amend section two, by striking out the proviso commencing on line six to the end of the section, and inserting in lieu thereof the following:

*Provided further*, that nothing herein contained shall be deemed to authorize the levy or collection of a road poll tax, or property road tax, within municipalities existing under the laws of this State, wherein work and improvements upon the streets is done by virtue of any law relating to street work and improvements within such municipality.

Mr. Taylor offered a substitute for this amendment, as follows:

*Provided*, That this Act shall not apply, so far as it relates to the levy and collection of property and poll taxes, to any incorporated city, city and county, town, or colony, when such city, city and county, town, or colony shall by virtue of any ordinance or charter which it now has or may hereafter have, provide for the construction, maintenance, and improvement of its public streets, ways, roads, and squares.

Ayes and noes demanded.

Roll called, and the substitute lost by the following vote:

AYES—Messrs. Buck, Filcher, Foster, Knight, Langford, Ryan, Spencer of Stanislaus, Taylor, and Wolfskill—9.

NOES—Messrs. Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Maddox, McCarthy, McClure, Perry, Reynolds, Routier, Spencer of Napa, Sullivan, Vrooman, Wallis, and Whitney—25.

The question recurring on the amendment offered by Mr. Whitney, the ayes and noes were demanded by Senators Langford, Fraser, and Ryan.

Roll called, and the amendment adopted by the following vote:

AYES—Messrs. Cox, Cronan, Del Valle, Dougherty, Harrigan, Keating, Kellogg, Knight, Maddox, McCarthy, McClure, Nelson, Perry, Routier, Spencer of Napa, Sullivan, Vrooman, and Whitney—18.

NOES—Messrs. Chandler, Cross, English, Filcher, Foster, Fraser, Johnson, Kelly of San Francisco, Kelley of Solano, Langford, Lynch, Reynolds, Ryan, Spencer of Stanislaus, Taylor, Wallis, and Wolfskill—17.

Mr. Ryan moved to reconsider the vote by which the amendment was adopted.

Mr. Del Valle raised the point of order, that as Mr. Ryan had voted in the negative he could not demand a reconsideration.

Point of order sustained by the Chair.

Mr. Spencer of Napa moved to amend section two by adding thereto the following:

“Nor shall any such incorporated city or town be by the Supervisors of the county included or embraced in any road district by them established under this Act.”

Adopted.

On motion of Mr. Kellogg, section three of the bill was stricken out.

Mr. Routier moved to amend subdivision two thousand six hundred and forty-three, in section one, by striking out in line twenty-eight the words “public highways,” and inserting in lieu thereof the words “private or by-roads.”

Ayes and noes demanded by Senators Perry, Routier, and Langford.

Roll called; but before the vote was announced, Mr. Routier objected to the vote of Mr. Kellogg, on the ground that he was without the bar of the Senate when his name was called.

The President sustained the objection, and ruled that Mr. Kellogg's vote could not be received.

After discussion, a new roll-call was demanded and ordered by the President.

Mr. McClure appealed from the decision of the Chair.

On the question: “Shall the decision of the Chair stand as the judgment of the Senate?” the ayes and noes were demanded by Senators Wolfskill, Langford, and Johnson.

Roll called, and the decision of the Chair sustained by the following vote:

AYES—Messrs. Chandler, Cox, Cross, Del Valle, English, Filcher, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, Reynolds, Ryan, Spencer of Stanislaus, Sullivan, Vrooman, Wallis, Whitney, and Wolfskill—24.

NOES—Messrs. Buck, Cronan, Dougherty, Keating, McCarthy, McClure, Nelson, Perry, Reddy, Routier, Spencer of Napa, and Taylor—12.

New roll-call on the amendment of Mr. Routier was then taken, and the amendment adopted by the following vote:

AYES—Messrs. Buek, Cronan, Cross, Dougherty, Harrigan, Keating, Kelly of San Francisco, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Routier, Spencer of Napa, Sullivan, Taylor, Vrooman, and Wallis—19.

NOES—Messrs. Chandler, Cox, Del Valle, English, Filcher, Foster, Fraser, Johnson, Kellogg, Knight, Langford, Lynch, Reynolds, Ryan, Spencer of Stanislaus, Whitney, and Wolfskill—17.

Mr. Routier moved to amend subdivision two thousand seven hundred and thirty-six, of section one, by striking out in line one the words "public highways," and insert in lieu thereof the words "private or by-roads."

Adopted.

On motion of Mr. Fraser, subdivision two thousand six hundred and fifty-five, of section one, was amended by inserting after the words "fifty-one and," in line three, the words "two thousand six hundred and."

Mr. Spencer of Napa moved to amend subdivision two thousand six hundred and eighty-seven, of section one, by striking out in line three the word "five," and insert in lieu thereof the word "ten."

Ayes and noes demanded by Senators Cross, McClure, and Ryan.

Roll called, and the amendment adopted by the following vote:

AYES—Messrs. Buek, Cronan, Cross, Del Valle, English, Foster, Kellogg, Lynch, Maddox, McClure, Reddy, Routier, Spencer of Napa, and Wallis—14.

NOES—Messrs. Chandler, Cox, Fraser, Johnson, Knight, Langford, Reynolds, Ryan, Spencer of Stanislaus, Taylor, Vrooman, Whitney, and Wolfskill—13.

Assembly Bill No. 1 as amended, ordered engrossed, and read a third time.

#### LEAVE OF ABSENCE.

Senators Baldwin and Steele granted leave of absence, on account of illness.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Mr. Cross: Senate Bill No. 357—An Act concerning divorces to be granted in actions brought in the name of the people of the State.

Referred to Judiciary Committee.

By Mr. Whitney: Senate Bill No. 358—An Act to appropriate money for the support of aged persons in indigent circumstances.

Referred to Committee on Hospitals.

By Mr. Cronan: Senate Bill No. 359—An Act for the better collection of revenue.

Referred to Judiciary Committee.

#### REPORT OF COMMITTEES—(OUT OF ORDER).

##### ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 16, 1883.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 236—An Act to amend sections one thousand five hundred and forty-nine, one thousand five hundred and fifty-two, one thousand five hundred and fifty-seven, one thousand five hundred and eighty-two, one thousand five hundred and ninety-three, one thousand six hundred and seventeen, one thousand six hundred and twenty-one, one thousand six hundred and twenty-two, one thousand six hundred and thirty-eight, one thousand six hundred and fifty-one, one thousand six hundred and ninety-nine, one thousand seven hundred, one thousand eight hundred and nineteen, and one thousand eight hundred and fifty-nine, and to repeal sections one thousand five hundred and thirty-three and one thousand six hundred and eighteen of an Act

entitled "An Act to establish a Political Code," approved March 12, 1872, relating to public schools, and to add a new section thereto, to be known as section one thousand five hundred and eighty-four—have had the same under consideration, and now report the same back with amendments, and recommend its passage as amended.

JOHNSON, Chairman.

ON HOSPITALS—MINORITY REPORT).

SENATE CHAMBER, SACRAMENTO, February 16, 1883.

MR. PRESIDENT: The undersigned member of the Committee on Hospitals dissents from the report of the majority of said committee relative to Assembly Bill No. 310—and recommends it do not pass, for the following reasons:

*First*—It practically encourages the system of farming out infants, which system has, by the experience of older countries, shown to be so destructive to the lives of the foundlings.

*Second*—While asking for large appropriations of State funds, sufficient restrictions are not thrown around the expenditure of same by the provisions of the bill.

G. H. PERRY.

PETITION—(OUT OF ORDER).

By Mr. Langford: A petition from Laura De Force Gordon, praying for the removal of her "political disabilities."

Referred to Committee on Elections.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Kellogg:

*Resolved, First*—That the sum of seven hundred and seventy-six dollars and thirty-six cents (\$776 36), be and the same is hereby appropriated out of the Contingent Fund of the Senate, the same being the expenses incurred by J. M. Dudley in the contested election case of Buck vs Dudley, as per inclosed schedule.

*Schedule of Costs in the Contested Election Case of Buck vs. Dudley:*

Reporting.....	\$397 25
Commissioner's fees.....	30 00
Notary fees.....	18 75
Copying.....	23 81
Constable fees.....	21 75
Witness fees.....	9 80
Attorneys' fees.....	275 00
Total.....	\$776 36

*Second*—That the Controller of State be and he is hereby authorized and instructed to draw his warrant in favor of said J. M. Dudley for said amount of seven hundred and seventy-six dollars and thirty-six cents (\$776 36), and the Treasurer of State is hereby instructed to pay the same.

Referred to Committee on Contingent Expenses and Mileage.

ADJOURNMENT.

At four o'clock and fifty minutes P. M., on motion of Mr. Vrooman, the Senate adjourned.

IN SENATE.

SENATE CHAMBER,  
Saturday, February 17, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Buck, Chandler, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Langford, Lynch, McClure, Murphy, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of yesterday read and approved.

#### LEAVE OF ABSENCE.

Senators Knight and Cox were granted leave of absence, on account of illness.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Kellogg:

*Resolved*, That L. W. Buck be and he is hereby allowed, out of the Contingent Fund of the Senate, his per diem as Senator from the Nineteenth Senatorial District for forty-one days, and his mileage from the county seat of Solano County, and the Controller be and he is hereby directed to draw his warrant in favor of said Buck for said per diem and mileage.

Referred to Committee on Contingent Expenses and Mileage.

Also:

*Resolved*, That the sum of one thousand and twenty-seven dollars be and the same is hereby appropriated out of the Contingent Fund of the Senate to pay L. W. Buck for his expenses, necessarily and lawfully incurred in the contest against J. M. Dudley for the seat in the Senate from the Nineteenth Senatorial District, and the Controller be and he is hereby directed to draw his warrant in favor of said L. W. Buck for said sum:

Reporting testimony.....	\$691 00
Witness' fees and officers' fees.....	243 00
Commissioner's fees.....	120 00
Total.....	\$1,054 00
Less one half, which the Assembly should pay.....	527 00
Attorneys' fees (this case).....	500 00
Total.....	\$1,027 00

Referred to Committee on Contingent Expenses and Mileage.

#### REPORTS OF STANDING COMMITTEES.

##### ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 17, 1883.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Bill No. 295—An Act to secure representation of the resources and industries of California at the Amsterdam International Exhibition, and to provide for the expenses thereof, now report the same back, and recommend its passage.

WM. CRONAN.  
JOHN DOUGHERTY.  
H. W. WALLIS.  
K. E. KELLEY.

##### ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 17, 1883.

MR. PRESIDENT: Your Committee on Hospitals have had Senate Bill No. 278 under consideration, amended the same, and report the same back, and recommend its passage as amended.

Also, Senate Bill No. 309—An Act to appropriate the sum of two thousand dollars for the purpose of assisting the Home for Aged and Infirm Females, situated on Rincon Hill, San Francisco, and report the same back, and recommend its passage.

Also, Senate Bill No. 294—An Act to amend sections two thousand nine hundred and ninety-three and two thousand nine hundred and ninety-four of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add thereto three sections, to be known as



two thousand nine hundred and ninety-five, two thousand nine hundred and ninety-six, and two thousand nine hundred and ninety-seven, relating to the vaccine agent and vaccine matter—respectfully report the same back, with a recommendation that it do not pass.

Also, Senate Bill No. 69—An Act entitled "An Act to regulate the practice of medicine and surgery in the State of California"—and report the same back without recommendation.

KNIGHT, Chairman.

#### COMMITTEE ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 17, 1883.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 151—An Act in relation to unclaimed bank dividends—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 190—"An Act to amend section three hundred and fifty-nine of the Civil Code, relating to increasing and diminishing the capital stock of corporations"—report the same back with amendment, and recommend its passage as amended.

RYAN, Chairman.

#### ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 17, 1883.

MR. PRESIDENT: Your committee, to whom was referred Assembly Bill No. 56—Entitled "An Act to encourage the destruction of wild animals in the different counties of the State, and authorizing the Board of Supervisors of each of said counties to fix and determine the bounty for the destruction of the same"—have had the same under consideration, and now report the same back, and recommend its passage.

Also, Assembly Bill No. 91—An Act to amend section six hundred and thirty-three of the Penal Code of the State of California, relating to the preservation of game and fish—have had the same under consideration, and now report the same back, and recommend its passage.

FOSTER, Chairman.

#### ON IRRIGATION, WATER RIGHTS, DRAINAGE, AND MINING DEBRIS.

SENATE CHAMBER, SACRAMENTO, February 16, 1883.

MR. PRESIDENT: Your Committee on Irrigation, Water Rights, Drainage, and Mining Debris, to whom was referred Senate Bill No. 87—An act to promote irrigation and regulate the distribution of water used therefor in the several counties of this State—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Senate Bill No. 133—An Act to amend an Act entitled "An Act authorizing the Boards of Supervisors of the counties in which water is sold for purposes of irrigation to fix the rates at which water shall be sold," approved March 26, 1880, with amendments—and recommend its passage as amended.

ENGLISH, Chairman.

#### ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 17, 1883.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 33—An Act to enable the Board of Supervisors, Board and Boards of Aldermen, and certain other legislative bodies of any city and county, or city, to provide for the improvement of streets, lanes, alleys, places, courts, sewers, or sidewalks of such city and county, or city, in accordance with the provisions of section nineteen, article eleven, of the Constitution.

Also, Senate Bill No. 79—An Act to declare when a vacancy exists in any elective or appointive office, board, or commission of any county, city, city and county, township, or municipality, and to provide for filling the same.

Also, Senate Bill No. 258—An Act to amend an Act entitled "An Act supplementary to and amendatory of an Act entitled 'An Act to incorporate the Town of Red Bluff, Tehama County, California,'" approved March 31, 1876, approved February 28, 1878.

Report the same back, and recommend that they do not pass.

Also, Senate Bill No. 84—An Act entitled "An Act to protect the sidewalks in unincorporated towns and villages in California"—and recommend that the same do pass.

Also, Senate Bill No. 185—An Act to provide for the classification of municipal corporations.

Also, Senate Bill No. 201—An Act to exempt volunteer firemen from the payment of road poll tax within incorporated cities and towns—report the same back amended, and recommend that the same do pass as amended.

JOHNSON, Chairman.

#### ON AGRICULTURE.

SENATE CHAMBER, February 17, 1883.

MR. PRESIDENT: Your Committee on Agriculture, to whom was referred Assembly Bill No. 140—An Act to prevent the sale or disposition as butter of the substance known as oleomargarine,

or oleomargarine butter—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

WOLFSKILL, Chairman.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 17, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration and do now report back to the Senate, Senate Bill No. 143—Entitled "An Act to prohibit the naturalization of Chinese or Mongolians in the State of California"—and recommend its passage.

Also, Senate Bill No. 146—Entitled "An Act to amend section one thousand one hundred and eighty-three of an Act entitled 'An Act to establish a Code of Civil Procedure,'" approved March 11, 1872, relating to liens of mechanics and others upon real property—and recommend its passage as amended.

Also, Assembly Bill No. 55—Entitled an Act to amend section three thousand four hundred and ninety-four of the Political Code, so as to reduce the interest on the balance of the purchase money on all sales of State school lands, and lands selected in lieu thereof, made prior to January first, eighteen hundred and eighty-one, from ten to seven per cent per annum—and recommend its passage.

Also, Assembly Bill No. 81—Entitled "An Act to amend section two thousand two hundred and nine of the Civil Code, in relation to damages awarded when telegraph messages are refused or postponed"—and recommend that it do not pass.

Also, Assembly Bill No. 133—Entitled an Act to amend section one thousand two hundred and thirty-five of the Penal Code, relating to appeals in criminal cases"—and recommend that it do not pass.

Also, Assembly Bill No. 135—Entitled an Act to amend section five hundred and thirty-two of the Penal Code, and prescribe punishment for obtaining money or property by false pretenses and by false reports of wealth—and recommend that it do not pass.

Also, Assembly Bill No. 137—Entitled an Act to amend sections seven hundred and fourteen and seven hundred and nineteen of the Code of Civil Procedure, relating to proceedings supplementary to the execution—and recommend that it do not pass.

Also, Assembly Bill No. 157—An Act to add a new section to the Penal Code, to be known as section one thousand one hundred and thirty-two, providing for the exclusion and separation of witnesses during the taking of testimony—and recommend that it do not pass.

Also, Assembly Bill No. 167—Entitled "An Act to authorize certain corporations to act as executor, administrator, guardian, trustee, agent, depository, or receiver"—and recommend that it do not pass.

Also, Assembly Bill No. 158—Entitled an Act to add a new section to the Penal Code, to be known as section twenty-eight, providing that ignorance or mistake of fact shall constitute no defense to certain accusations—and recommend that it do not pass.

Also, Senate Bill No. 288—Entitled an Act authorizing and directing the Regents of the University of California to convey certain lands—and recommend its passage as amended.

Also, Senate Bill No. 231—Entitled an Act to amend section seven hundred and thirty-seven of the Political Code, relating to the salaries of the Judges of the Superior Courts of the City and County of San Francisco, and the Counties of Alameda, San Joaquin, Los Angeles, Santa Clara, Yuba and Sutter, Sacramento, Butte, Nevada, and Sonoma—and recommend its passage.

Also, Senate Bill No. 111—Entitled an Act to provide for the publication of notices, matters, and things required by law to be published—and recommend its passage.

CROSS, Chairman.

#### ON ENROLLED BILLS.

SENATE CHAMBER, SACRAMENTO, February 17, 1883.

MR. PRESIDENT: Your Committee on Enrolled Bills, to whom was referred Senate Bill No. 330, do report they find the same correctly enrolled, and that said bill has been presented to the Governor.

HARRIGAN, Chairman.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 16, 1883. }

To the Senate of the State of California:

I have to inform your honorable body that I have approved Senate Bill No. 12—An Act to amend section three hundred and twenty-six of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to stocks and stockholders.

Also, Senate Bill No. 330—An Act to provide a Contingent Fund for the Senate for the twenty-fifth session of the Legislature.

GEORGE STONEMAN, Governor.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Mr. Ryan: Senate Bill No. 360—An Act to amend section three thousand five hundred and forty-six of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings against delinquent purchasers.

Referred to Committee on Public, Swamp, and Overflowed Lands.

By Mr. Perry: Senate Bill No. 361—An Act to regulate the mode of committing persons convicted of a felony to the State Prisons.

Referred to Judiciary Committee.

By Mr. Lynch: Senate Bill No. 362—An Act to prevent common carriers from making discriminations and unjust and extortionate charges on the carriage of goods in violation of law.

Referred to Committee on Corporations.

By Mr. Johnson: Senate Bill No. 363—An Act to amend section seventeen hundred and sixty-nine of the Code of Civil Procedure, in relation to the powers and duties of guardians.

Referred to Judiciary Committee.

By Mr. Cross: Senate Bill No. 364—An Act to amend section five hundred and twenty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872.

Referred to Judiciary Committee.

#### SPECIAL FILE.

First reading of Senate Bill No. 50—An Act to provide for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities.

Mr. Johnston moved to place this bill on the special file for Monday, February nineteenth, eighteen hundred and eighty-three.

Mr. Vrooman moved to amend that the bill be passed temporarily.

So ordered.

Second reading of Senate Bill No. 65—An Act to divide the State into Assembly Districts and provide for the election of Assemblymen therein, and Senate Bill No. 64—An Act to divide the State into Senatorial Districts and to provide for the election of Senators therein—were, on motion of Mr. Ryan, passed and ordered placed on special file for Monday, February nineteenth, eighteen hundred and eighty-three.

Third reading of Assembly Bill No. 1—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and to substitute the same in place of said repealed chapter two in said Code, relating to roads and highways.

On motion of Mr. Fraser, Assembly Bill No. 1 was passed, and ordered placed on special file for Monday, February nineteenth, eighteen hundred and eighty-three.

#### GENERAL FILE—FIRST READING OF BILLS.

Senate Bill No. 47—An Act to provide for improving the grounds of the Deaf, Dumb, and Blind Asylum.

Read first time, and placed on file for second reading.

Senate Bill No. 105—An Act entitled "An Act to repeal section three hundred and thirty-eight of an Act to establish a Code of Civil Procedure," approved March 11, 1872, and to amend section three

hundred and forty of said Act, relative to the time of commencing actions other than for the recovery of real property.

First reading denied.

Senate Bill No. 118—An Act entitled "An Act to amend section two hundred and forty-one of an Act to establish a Penal Code," approved February 14, 1872, relative to the punishment of assault.

First reading denied.

Assembly Bill No. 19—An Act to repeal section one thousand three hundred and fifty-two of the Code of Civil Procedure, concerning a married woman as executrix.

First reading denied.

Assembly Bill No. 20—An Act to amend section one thousand three hundred and sixty-nine of the Code of Civil Procedure, concerning persons not entitled to act as administrator and administratrix of an estate.

Read first time, and placed on file for second reading.

Assembly Bill No. 49—An Act to amend section one thousand three hundred and sixty of the Civil Code of California, and prescribe the order in which the property of a testator must be resorted to for the payment of legacies.

Read first time, and placed on file for second reading.

Senate Bill No. 215—An Act to prohibit gas and water companies from charging consumers for pipes communicating with supply pipes on street mains and the line of the street or sidewalk curb fronting the premises to be supplied, and there making connection with the pipes of the consumers.

Read first time, and placed on file for second reading.

Senate Bill No. 229—An Act to amend section four hundred and seventy-three of the Civil Code, relating to the consolidation of the capital stock, debts, profits, assets, and franchises of railroad corporations, and to authorize such consolidation between railroad corporations organized in this State and railroad corporations of adjoining States.

Read first time, and placed on file for second reading.

Senate Bill No. 277—An Act to add two new sections to the Civil Code, concerning savings and loan corporations, to be known as sections five hundred and eighty and five hundred and eighty-one.

First reading denied.

Senate Bill No. 249—An Act to amend section four of an Act entitled "An Act to create a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878.

Upon the question: "Shall the bill be read the first time?" the ayes and noes were demanded by Messrs. Ryan, Reynolds, and Cronan.

Roll called with the following result:

AYES—Messrs. Buck, Chandler, Cronan, Cross, Del Valle, Dougherty, English, Fileher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, McClure, Murphy, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Stanislaus, Steele, Sullivan, Vrooman, and Wallis—29.

NOES—Messrs. Whitney and Wolfskill—2.

Carried.

And the bill was read first time, and placed on file for second reading.

Senate Bill No. 101—An Act to amend section sixteen of an Act entitled "An Act for the relief of insolvent debtors, for the protection



of creditors, and for the punishment of fraudulent debtors," approved April 16, 1880.

Read first time, and placed on file for second reading.

Senate Bill No. 103—An Act to amend sections one thousand nine hundred and eighty-nine, one thousand nine hundred and ninety-one, one thousand nine hundred and ninety-three, and one thousand nine hundred and ninety-four of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to witnesses.

Read first time, and placed on file for second reading.

Assembly Bill No. 52—An Act to more fully define the separate property of husband and wife, and for that purpose to amend sections one hundred and sixty-two and one hundred and sixty-three of the Civil Code of California.

Read first time, and placed on file for second reading.

Assembly Bill No. 54—An Act to amend section one thousand one hundred and two of the Code of Civil Procedure, and define the writ of prohibition.

First reading denied.

Assembly Bill No. 60—An Act to amend section four hundred and eighty-seven of the Penal Code of the State of California, in relation to the larceny of certain animals.

First reading denied.

Assembly Bill No. 61—An Act to amend section eight hundred and ninety of the Code of Civil Procedure, and to provide that in certain cases judgment of dismissal may be entered in actions in Justices' Courts.

Read first time, and placed on file for second reading.

Assembly Bill No. 84—An Act to amend section three thousand seven hundred and seventy-nine of the Political Code of the State of California, relating to the vesting and divesting of the lien of the State in purchaser at tax sale.

First reading denied.

Assembly Bill No. 98—An Act for the relief of persons whose lands have been sold to the State for taxes.

Read first time, and placed on file for second reading.

Assembly Bill No. 99—An Act to amend section seventy-eight of the Civil Code, relating to establishing the validity of marriage.

First reading denied.

Senate Bill No. 191—An Act to prevent the adulteration of milk, and to create the office of Milk Inspector in the several counties of the State.

Read first time, and placed on file for second reading.

Senate Bill No. 275—An Act for the protection of dairymen and dealers in and consumers of milk, and to prevent deception in the sale thereof.

Read first time, and placed on file for second reading.

Senate Bill No. 206—An Act for the further protection of the viticultural industries of the State.

Read first time, and placed on file for second reading.

Senate Bill No. 301—An Act to authorize the erection of a State agricultural and industrial exhibition building on the State Capitol grounds, and to appropriate money therefor.

Mr. Taylor moved that this bill be passed temporarily.

So ordered.



Assembly Bill No. 153—An Act to authorize the erection of a State agricultural and industrial exhibition building on the State Capitol grounds, and to appropriate money therefor.

Read first time, and placed on file for second reading.

On motion of Senator Johnson, Senate Bill No. 50, which had been temporarily passed, was read first time.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Perry:

*Resolved*, That the Committee on Public, Swamp, and Overflowed Lands be requested to report without further delay Assembly Bill No. 246 back to the Senate without recommendation.

Adopted.

#### REPORTS OF COMMITTEES—(OUT OF ORDER).

Mr. Whitney submitted report of Joint Committee on Commerce and Navigation:

##### REPORT OF THE JOINT COMMITTEE ON COMMERCE AND NAVIGATION.

*To the honorable the Senate and Assembly of the State of California:*

The Joint Committee on Commerce and Navigation of the Senate and Assembly have attended to the duties devolved upon them by Assembly Concurrent Resolution No. 11, and beg leave to report as follows:

It proceeded to San Francisco to facilitate its investigations, and in order that it might have the full benefit of any suggestions and testimony of merchants and others interested in the subject of inquiry, the fullest opportunity was given and invitations to be heard extended to all persons.

The committee was attended during its investigation into the official acts of the Board of Pilot Commissioners and towage and towage rates, by committees from the Chamber of Commerce and Board of Trade, by a large number of merchants, by Pilot Commissioners, and by a large number of other interested parties. The investigation was practically unrestricted and was thoroughly impartial.

The testimony taken, and which has already been submitted, will show that no complaints were made against the Pilot Commissioners or the manner in which they discharge the duties of their office. It is undoubtedly necessary for the commerce of the State that a body of trained and skillful pilots should be in readiness at the entrance of the Golden Gate to take charge of ships and vessels arriving and departing. A knowledge of the currents, channels, and dangers of the entrance to the Bay of San Francisco, is impossible to persons not long acquainted with them. This knowledge must be supplemented with the highest experience in navigation and ability to command. Such a body of men cannot be secured unless they receive an adequate compensation for their valuable services. In the investigation had there was no complaint as to the qualifications of the pilots. The committee deem it but justice to mention these facts, as it relates to the acts of the Board of Pilot Commissioners, by whom they are examined and commissioned, as well as to the praise of the pilots themselves.

Your committee, however, found that great complaint was made as to the rates of charges which, under existing laws, the pilots are allowed to charge for their services. No complaint was made that they had in any case demanded or received more than allowed by law, though in many instances they have received less.

The present rates of pilotage were established in eighteen hundred and seventy, when the commerce of the port was much less than at present, and consequently at a time when the rates would not yield much, if anything, beyond a fair remuneration for the labor, danger, and skill which are the elements to be considered in estimating the value of their services. Since that time the number of ships necessary to carry away our bounteous crops of cereals has trebled, and the value of a pilot's commission has consequently enhanced, until the gross earnings of each pilot in eighteen hundred and eighty-two were nine thousand nine hundred and thirty-one dollars and twenty-five cents. The total amount collected for pilotage during the same time was one hundred and ninety-eight thousand six hundred and twenty-five dollars and nineteen cents.

With the increase of commerce there has grown up in the harbor of San Francisco a wealthy and powerful rival to the pilots in the Pacific Tugboat Company, which, by buying up or crushing out opposition, has lately enjoyed a practical monopoly of the towage business. This company has levied toll upon our commerce to the extent of nearly or quite half a million dollars during the past year. The extent of its charges and its methods of business have frequently been extortionate, and inexcusable. Vessels in distress have been threatened with abandonment or destruction, unless their predaceous levies were submitted to. Services comparatively or quite

without danger in themselves, have been exalted into claims for salvage. It seems to have been a rule of conduct and morals with the managers of this company to render service or not as they chose, and at such times as they chose. They have affected to consider themselves as privileged from the responsibilities of common carriers, who are bound to render their services when required, and without discrimination as to persons or charges for services of the same extent and quality. While we find that the rates of pilotage are too large and are a just ground of complaint, we cannot but express the conviction that the extortions of the Pacific Tugboat Company have caused much more dissatisfaction than the legal charges paid for pilotage; and we regret that a doubt exists as to the competency of the Legislature to deal with this subject as a matter of police and regulation of commerce within the interior waters of the State. We do not wish to be understood as expressing a decided opinion upon the jurisdiction of the Legislature in the premises; and we regret that the other duties of our position have made it impossible hitherto to fully investigate the true relation existing between the power of Congress to regulate commerce and that of the State to protect those who enter its harbors from unwarrantable exactions. A future Legislature may be able to deal more fully with the subject.

The testimony herewith submitted contains a contract [testimony, p. 45] which the Tugboat Company were able to extort from the pilots, under which the latter agreed to pay to the former fifty-five (55) per cent of all outward pilotage collected.

The contract is dated December first, eighteen hundred and eighty-one, and is by its terms to continue for two years and three months. The committee is of opinion that this contract is contrary to public policy as well as without consideration, and its maintenance tends to perpetuate the deplorable state of towage service above alluded to. Being, as we believe, unwarranted by law, we do not find it necessary to recommend any legislation in regard to it. It is, however, an important piece of evidence in this investigation, as bearing upon the extent to which reduction in pilotage rates may be made. If the pilots can voluntarily submit to a surrender of fifty-five per cent. upon outward pilotage to the Tug Company they cannot complain of legal relief to the commerce of the State to that extent.

It was in evidence before the committee, and was admitted by the pilots, that a rate of fees that would yield them net two hundred and fifty dollars per month each would be just and fair. It is found that a reduction of sixty per cent could be made, and still yield more than the necessary revenue, provided the tonnage seeking this State should continue equal to the last two years. But there are reasons for believing that such will not be the case. It is, however, believed that pilotage rates may be safely reduced to such a rate as will yield a just and fair remuneration for labor performed and risk incurred. See testimony of Andrew Crawford, p. 63.) The committee, therefore, recommend such an amendment to the laws. We do not find any other legislation upon this subject of imperative importance at the present time.

#### HARBOR COMMISSION.

The investigation into the official acts of the Harbor Commission was also carried on mostly in San Francisco, to give the greatest facility to the labors of the committee. A visit to the seawall showed that this important work has progressed satisfactorily in the past, and it may be said with pride that, although the work is not constructed to one half of the proposed extent upon the plan originally adopted, yet the facilities of commerce are at the present time superior to those afforded in any large port in the world. There have already been constructed four thousand five hundred and sixty-one feet of seawall, at an expense of eight hundred and ninety four thousand six hundred and seventy-one dollars and 1 fifty-six cents.

Sheds for the accommodation of the immense grain product of the State have been constructed, one hundred feet in width and two thousand feet in length, along the sea wall, where the wheat crop may be landed and remain for fifteen days awaiting shipment, without charge to the producer. The State may point with pride to this state of affairs. It is in contemplation to commence a new section of one thousand feet of seawall, the money in the State treasury to the credit of this fund being sufficient to justify this undertaking. When the advantages that have already been derived to the State, not only in increase of revenue, but in diminution of the burdens of commerce are considered, it is safe to say that the work should not be unnecessarily postponed.

Among the advantages that may be mentioned are the following:

*First*—It permits consignors to concentrate their cargoes, thereby enabling the ship to take in her cargo at one point, saving expense to the ship owner.

*Second*—It saves to the farmer the cost of drayage and storage of his wheat. Both these items of expense fall upon the producer.

*Third*—It would exempt the State from the enormous destruction of piling by the teredo, and the planking by the wheels and hoofs of draying. It has been estimated that the saving to the State from these sources alone would equal the interest on one million dollars at three per cent per annum. The urgent repairs upon the old bulkhead and wharves necessary to keep them in order has been upwards of sixty thousand dollars during the last two years, which would in effect be saved.

*Fourth*—The construction of the seawall renders the improvement of property along the water front possible. Warehouses and manufactories can now be built where without this work only temporary wooden structures could be supported. This has caused an increase of several hundred per cent in value of the property within the seawall, which is shared by the State—for

by its construction and modification of the water front line, there has been created a large number of valuable lots which can be disposed of or held for public purposes.

During the investigation but three causes of complaint against the action of the Harbor Commissioners were developed or suggested:

*First*—That they have caused Broadway and Spear Street Wharves to be widened at considerable expense, but without corresponding increase of revenue to the State. These wharves have been assigned to the Pacific Coast Steamship Company and the Oregon Railway and Navigation Company. It was suggested that by this action of the Commissioners favoritism was shown to these companies and to their agents. We, however, find that the improvement did not add to the revenues of these companies or of their agents, but was demanded by the merchants and draymen of San Francisco for their own accommodation. Before the widening, teams were compelled to stand in line, sometimes for more than twenty-four hours, before being able to discharge their loads upon the wharves, until the detention and expense became almost intolerable. After the improvements, the teams could come and go without delay. The evidence of merchants and draymen contained in the printed testimony fully sustains the action of the State Board. (Testimony, pp. 150, 154, 216.)

*Second*—It was complained that, in one or two instances, the dredgers of the State had entered into competition with private parties, to their loss and to the cost of the State, as well as to the benefit of the favored lessees. This complaint was confined chiefly to the dredging of the slip in front of Bryant Street, between Main and Beale Streets. For the purposes of this report, we deem it sufficient to state that an attempt was made by private parties to enjoin the performance of this work by the Harbor Commissioners. On a trial before the Superior Court it was decided that not only had the Board the right, but that it was its duty to dredge this slip. In return for this service the State receives an increase of rents of two thousand four hundred dollars per annum at an expense of about one thousand two hundred dollars per annum. (See testimony of William Blanding, p. 174, and A. N. Stetson, p. 200.) The committee believe it contrary to sound public policy for the State to come in competition with private interests, either in dredging or other private enterprises.

*Third*—It was also complained that a portion of Bryant Street Wharf has been leased to the Merchants' Dry Dock Company, at a monthly rental of two hundred and seventy-five dollars, when the wharf otherwise employed would yield a revenue of upwards of one thousand dollars per month. It appears that the State, several years ago, leased to that dry dock company a portion of the water front near North Beach, at the same rental. Upon the completion of the seawall in front of the leased premises, they became valueless for the purposes for which they were held. The Harbor Commissioners then assigned the company their present location, without any increase in rent. By the terms of the original lease, dated August thirteenth, eighteen hundred and seventy-four, the premises were granted for a term of ten years, with the condition that the floating dock should be removed at any time that the premises might be required for harbor improvements, without the payment of damages. The removal to the present locality was about the beginning of eighteen hundred and seventy-nine. It was then thought best to make this arrangement, to prevent threatened litigation, and since that time the arrangement has continued without change. The committee is of the opinion that the dry dock company had no right against the State which they could have maintained, and that the price paid for their present accommodations is totally inadequate to the privilege they enjoy. Many complaints have been offered to the committee in regard to the charges made by this company for the use of their dock, but the committee has not thought this subject within the scope of their inquiry. The committee is of the opinion that the Harbor Commissioners should at once take steps to terminate the special privilege now enjoyed by the Dry Dock Company, or see that the State receives an adequate return for the property held by it.

#### WHARFAGE AND TOLLS.

An examination was made into the feasibility of diminishing the present rates of wharfage and tolls. The power of fixing these rates is now vested absolutely in the Harbor Commissioners. From time to time, since eighteen hundred and seventy-two, reductions have been made, until at the present time the rates of dockage are one half of what they then were, and tolls have been reduced from twenty-five cents per ton to five cents per ton.

These charges, in point of economy, make San Francisco, so far as State charges are concerned, as cheap a port as any of the principal ports of the world, especially as, owing to the unusual facilities for loading and unloading at our broader wharves and docks, much less time is necessarily consumed than elsewhere. For a complete statement of comparative charges, we refer to the testimony of Captain Blanding (pp. 190-4) and Captain W. A. Phillips (p. 89) of the testimony accompanying this report.

We are of the opinion that no further reduction of rates can properly be made at the present time.

Testimony also has been taken as to the possibility of reducing the expense of collecting wharfage and tolls by a system different from that now employed.

The committee refer to the testimony pro and con of Captain Blanding (p. 165) and Captain A. M. Burns (p. 196) upon this subject; also, to report of the Harbor Commissioners made July first, eighteen hundred and eighty-two.

The committee did not make any examination into the books of the Commission, as but a short time ago the books were examined by a competent expert, who reported that the methods

in use were business like and were carried out in a thoroughly accurate manner. (See report of Lauren E. Crane.)

The committee call attention to the fact that this report is made the day after the reception of the printed testimony which should accompany it.

	GEO. E. WHITNEY.
Senators . . . .	P. H. RYAN.
	T. MCCARTHY.
	T. K. NELSON.
Assemblymen . .	J. H. CULVER.
	J. H. G. WEAVER.

#### ON PUBLIC BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 17, 1883.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds would report as follows: We have examined into the condition of the State Capitol, and find the following repairs to be absolutely necessary: *First*—The roof requires a thorough overhauling, being cracked in the seams, and loose in many places. The plumbing throughout is out of repair, nearly all the basins being leaky, and the faucets being broken. The painting requires repair, and the walls whitening. The Senate and Assembly Chambers require cleaning and proper ventilation, which up to the present time has not been attempted, and the necessity for which is apparent. In joint session with the Assembly Committee on Public Buildings and Grounds, we have concluded to recommend an appropriation of the sum of fifteen thousand dollars to make the necessary repairs.

CRONAN, Chairman.

#### ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 17, 1883.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 112—An Act for the relief of James Saulty, for personal injuries received by him while in the service of the State—have had the same under consideration, and recommend that it do pass.

Also, Senate Bill No. 216—An Act to pay the claim of P. J. O'Connor, for services as architect in the measurement and classification of the work done in the erection of buildings for Napa State Asylum for Insane—and recommend that it do pass.

Also, Senate Bill No. 107—An Act to appropriate money to pay the claim of William T. Boardman, Sherman Day, and Grant I. Taggart, for services as Commissioners in the action of the People of the State of California, ex rel. Jo Hamilton, Attorney-General, vs. A. P. Pfeiffer et al., in Third District Court for Alameda County—and recommend that it do not pass.

KELLEY, Chairman.

#### INTRODUCTION OF A BILL—(OUT OF ORDER).

The following bill was introduced, read by title, and placed on file:

By Committee on Public Buildings: Senate Bill No. 365—An Act to appropriate money for the repair of the roof of the Capitol, for the plumbing, painting, renovating, and ventilating the State Capitol.

Placed on file.

#### FIRST READING OF BILLS—(RESUMED).

Senate Bill No. 153—An Act to amend section seven of an Act to define and enlarge the duties and powers of the State Board of Viticultural Commissioners, and to authorize its appointment of certain officers, and to protect the interests of horticulture and viticulture, approved March 14, 1881.

First reading denied.

Senate Bill No. 327—An Act to amend an Act entitled "An Act to provide for the future management of the Napa State Asylum for the Insane," approved March 6, 1876.

Read first time, and placed on file for second reading.



Assembly Bill No. 30—An Act to create and maintain a Bureau of Labor Statistics in and for the State of California.

Read first time, and placed on file for second reading.

The Chair announced that he had appointed Mr. Buck to the same committees on which Mr. Dudley formerly served.

At twelve o'clock and twenty-five minutes P. M., Mr. Cross moved to adjourn.

Roll-call demanded by Senators Ryan, Reynolds, and Perry.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Cross, Fraser, Kelley of Solano, Kellogg, McClure, Perry, Reddy, Routier, Steele, Sullivan, Taylor, Vrooman, Wallis, and Whitney—14.

NOES—Messrs. Buck, Chandler, Cronan, Del Valle, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Lynch, Murphy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, and Wolfskill—19.

The hour for recess having arrived, the President declared a recess until two o'clock P. M.

#### REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Buck, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Lynch, McClure, Murphy, Perry, Reddy, Reynolds, Ryan, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

#### PETITION—(OUT OF ORDER).

By Mr. Cross: A petition from A. L. Bancroft & Co., relating to the printing of Supreme Court reports.

Referred (without being read) to Judiciary Committee.

#### REPORTS OF COMMITTEES—(OUT OF ORDER).

##### ON ELECTIONS—(MAJORITY REPORT).

SENATE CHAMBER, SACRAMENTO, February 17, 1883.

MR. PRESIDENT: Your Committee on Elections, having had under consideration the memorial and petition of Laura De Force Gordon, which was presented to the Senate and referred to said committee, beg leave to report as follows: That the question submitted in this petition is settled by the organic law of this State, lately submitted to the people, and we deem it impolitic to recommend any change in the law in that respect.

FRANK J. SULLIVAN.  
WARREN B. ENGLISH.  
PATRICK REDDY.  
DENNIS SPENCER.

##### MINORITY REPORT.

SENATE CHAMBER, February 17, 1883.

MR. PRESIDENT: The undersigned, members of your Committee on Elections, having had under consideration the memorial and petition of Laura De Force Gordon, which was presented to the Senate and referred to said committee, dissent from the decision of a majority of the committee, and report as follows: That no special relief should be granted to the petitioner, but that an amendment to the Constitution, striking out the word "male," in article two, section one, which regulates the right of suffrage, should be submitted to the people of the State for their decision thereon, and thereby the "vexed question" would be settled.

W. W. KELLOGG.  
HENRY VROOMAN.  
DAVID MCCLURE.



## ON ELECTIONS—(MAJORITY REPORT).

SENATE CHAMBER, SACRAMENTO, February 17, 1883.

MR. PRESIDENT: Your Committee on Elections, having had under consideration Assembly Bill No. 225—An Act to amend section one thousand and ninety-seven of "An Act to establish a Political Code," approved March 12, 1872—beg leave to report the same back, and recommend its passage.

KELLOGG, Chairman.

## MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 17, 1883.

MR. PRESIDENT: The undersigned, a minority of your Committee on Elections, having had under consideration Assembly Bill No. 225—An Act to amend section one thousand and ninety-seven of "An Act to establish a Political Code," approved March 12, 1872—dissent from the report of the majority, and recommend that the bill do not pass.

DAVID McCCLURE.  
HENRY VROOMAN.

At two o'clock and fifteen minutes P. M., Mr. Keating moved to adjourn.

Lost.

Mr. Ryan, Chairman Corporation Committee, stated that the Corporation Committee had met and considered Assembly Bill No. 308, and asked leave, through their Chairman, to confer with the Judiciary Committee in relation to constitutionality of said bill.

Granted.

## FIRST READING OF BILLS—(RESUMED).

Senate Bill No. 214—An Act to authorize the Governor of the State of California to reconvey to the United States a part of the lands heretofore granted the State of California by Act of Congress of July 2, 1862, and listed to the State of California under the Agricultural College grant of one hundred and fifty thousand acres.

Read first time, and placed on file for second reading.

Senate Bill No. 220—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code; to repeal section two thousand five hundred and thirty-four of said Code, and to add a new section thereto, to be known as section two thousand five hundred and fifty-four, and to repeal certain sections of an Act approved March 17, 1880, entitled "An Act to amend section six of an Act entitled 'An Act concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers on the Board of State Harbor Commissioners," all of said sections relating to the Board of State Harbor Commissioners, their powers and duties.

Read first time, and placed on file for second reading.

Mr. Del Valle gave notice that he would move, on Monday, to amend Rule Five of the Standing Rules of the Senate, to read as follows:

V. After the reading and approving of the Journal, the order of business shall be as follows:

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Messages from the Assembly.

6. Special Orders of the Day.
7. Introduction of Bills.
8. Third Reading of Bills.
9. Second Reading of Bills.
10. First Reading of Bills.
11. Motions, Resolutions, and Notices.
12. Unfinished Business of the preceding day.
13. Reports from the Committees on Enrollment and on Engrossment shall at all times be in order.

*Provided*, That the messages from the Governor, State officers, and from the Assembly, may, on motion of any Senator, be considered at any time.

Mr. English asked leave of absence until Tuesday.  
Granted.

#### ADJOURNMENT.

At two o'clock and thirty minutes P. M., on motion of Mr. Reddy, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Monday, February 19, 1883. }

Senate met pursuant to adjournment.  
President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Buck, Chandler, Cronan, Cross, Del Valle, Filcher, Fraser, Harrigan, Johnson, Kellogg, Knight, McClure, Murphy, Perry, Reddy, Reynolds, Ryan, Steele, Vrooman, and Whitney.

No quorum.

#### CALL OF THE SENATE.

On motion, a call of the Senate was demanded.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Buck, Chandler, Cronan, Cross, Del Valle, Dougherty, Filcher, Fraser, Harrigan, Johnson, Keating, Kelley of Solano, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Murphy, Perry, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Steele, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

On motion, further proceedings under the call were dispensed with.

Journal of Saturday read and approved.

Leave of absence for one day granted to Senator Sullivan.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Ryan: Senate Concurrent Resolution No. 15:

*Resolved by the Senate, the Assembly concurring.* That our Senators be instructed and our Representatives in Congress requested to use their best efforts to procure the appointment of First Lieutenant W. I. Reed as Captain and Assistant Quartermaster in the army of the United States to the first vacancy that shall occur.

*Resolved*, That his Excellency the Governor of California be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

## Referred to Committee on Federal Relations.

### REPORT FROM COMMITTEE—(OUT OF ORDER).

Mr. Vrooman presented a minority report on Senate Bill No. 151:

#### MINORITY REPORT OF COMMITTEE ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 19, 1883.

MR. PRESIDENT: The undersigned, a minority of your Committee on Corporations, dissents from the majority thereof wherein they recommend the passage of Senate Bill No. 151.

I base my objections to said report upon the following reasons, to wit:

*First*—The savings bank business is a private enterprise, receiving no aid nor subsidies, nor special privileges of any kind whatever from the State, and in my opinion the Legislature has no right to attempt to interfere with or regulate such private enterprise, established and supported entirely with private capital, except in cases where it appears that there are grave abuses existing which cannot be remedied except by the Legislature.

*Second*—No showing was made before the committee that there is any existing evil which will be remedied by this proposed bill, or that there was or is any reason whatever why it should become a law.

*Third*—In other States where this sort of meddlesome legislation concerning savings institutions has been attempted, such legislation has always proved detrimental to such institutions and the patrons thereof, and generally unsatisfactory to all concerned.

*Fourth*—The very name of the institutions, "savings banks," indicates that such institutions are not only the depositories of savings, but they are the depositories for savings. Deposits are put there to be saved, not spent. A degree of permanence is presumed concerning them.

Not unfrequently a deposit is made in trust for an infant heir or ward, the purpose being that it shall remain unmolested until such heir or ward becomes of age. Parties frequently go from the marriage altar to the savings bank, and there make a deposit, which they hope to leave undisturbed to provide some needed comforts for a possibly hopeless and otherwise helpless old age. It may be a deposit designed to preserve the depositor from burial at public charge and in a nameless grave. The purposes of depositors, by which the permanence of their deposits will be controlled, are too many for enumeration, but the foregoing are sufficient to illustrate their character.

*Fifth*—The first Act of general legislation concerning savings banks in the State of New York was passed in eighteen hundred and thirty-five, and was similar in effect to the bill now under consideration. The evil consequences likely to result were presented to the Legislature the following year, both by the banks and the Governor of the State. Governor Marcy, in his message to the Legislature referring to the subject, said: "The law passed at the last session of the Legislature relative to unclaimed dividends and deposits, operates unfavorably, it is believed, on savings banks. The inconveniences and hazards to which the publications required by that law will expose these institutions have induced some of them to defer a compliance with it until the subject could be again brought before the Legislature, with a view to procure some modification of that part of it which relates to them. I have received a communication from the Trustees of the Bank for Savings in the City of New York, showing what they apprehend would be the consequences to that institution of making the publication required of them. The views therein presented appear to be well worthy of your consideration; and I recommend a revision of this law, and such modification of it, in relation to savings banks, as will remove the injurious effects resulting from its present provisions."

The effect of the memorial was to secure a change in the provisions of the law in so far as the Bank for Savings was concerned, leaving it operative and unchanged as to other institutions. The modification in behalf of the Bank for Savings was by an amendment to its charter, and was to the following effect: That, instead of the publication of the statement required by the Act of eighteen hundred and thirty-five, the same should be made by said bank to the Controller, once in five years, the first to be made in eighteen hundred and thirty-eight, except that the residence and occupation of the depositor need not be given in such statement.

*Sixth*—In eighteen hundred and sixty-two a bill was again introduced in the Legislature of New York to appropriate the so-called unclaimed deposits. While this bill was pending a committee was appointed to examine any of the Courts of record, savings banks, or other moneyed institutions in the State, having or supposed to have, under their control, or in their custody, any of the said unclaimed funds, and to report the result of such examination to the next Legislature.

In their report, the committee, among other things, say: "The various propositions introduced into the Legislature, from year to year, to transfer unclaimed moneys to the custody of the State, specified various different periods, ranging from two to ten years and upward. Under these circumstances it was determined to report all moneys claimed for five years as the minimum period, with the amount embraced in the sum reported for that period, which has

been unclaimed successively for ten, fifteen, twenty, twenty-five, and thirty years, and so on, as long as the institution may have been in existence. By this arrangement the precise amount unclaimed for each successive period of five years was ascertained, making five years the minimum, and the length of time the institution may have been in existence over five years the maximum period."

The result of their examination, upon the basis above proposed, which, in view of the vague and indefinite language of the resolution, was at once rational and practical, may be stated as follows:

*Aggregate Amount of Unclaimed Deposits in the Savings Banks of that State.*

For five years.....	\$779,542 87
For ten years.....	257,363 71
For fifteen years.....	129,847 46
For twenty years.....	89,227 04
For twenty-five years.....	61,633 46
For thirty years.....	32,329 44
For thirty-five years.....	13,843 97
For forty years.....	3,475 08

It will be understood that each of the shorter periods embraces all of the longer—that is, the aggregate, seven hundred and seventy-nine thousand five hundred and forty-two dollars and eighty-seven cents, given above as unclaimed for five years, includes, of course, the several amounts unclaimed for ten, fifteen, twenty, and more years.

Again, the committee said: "The discussions in the Legislature during the last four years in regard to unclaimed moneys lying in these institutions, have exhibited quite a diversity of opinion as to how long they should remain unclaimed before being taken into the custody of the State. Propositions have been introduced into that body specifying various different periods for which such moneys should be unclaimed before being so acted upon. Some have proposed three years, some five, others ten, and some as high as twenty. The thorough investigation given the whole subject, however, by the committee, leads them irresistibly to the conclusion that the Legislature should not interfere with moneys of this kind, unless unclaimed according to the definition of the committee, for at least twenty years. Many wise and good men throughout the State regard any interference at all by the Legislature with the subject as calculated to result injuriously to institutions for savings throughout the country, by unnecessarily alarming depositors and destroying confidence in institutions of this character; but whatever action may transpire in reference to the matter, the shortest period for which a deposit should remain unclaimed before being acted upon ought not to be less than twenty years. It is almost a universal rule with the savings banks throughout the State to cease paying interest on accounts after they have not been acted on for twenty years, and hence, if a depositor neglects his account beyond that period, it is reasonable to suppose that the amount is actually unclaimed."

I respectfully submit that in legislation, as in other matters, we should try to profit by the experience of others, and that the authority above quoted shows that the provisions of Senate Bill No. 151 have worked injuriously when attempted to be enforced in other States. Wherefore I recommend that said bill do not pass.

HENRY VROOMAN.

**SPECIAL FILE—(SECOND READING).**

Senate Bills Nos. 65 and 64 passed on file.

Senate Bill No. 50—An Act to provide for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities.

Section one read second time, and amendments of the committee adopted.

Section two read second time, and amendments of the committee adopted.

Section three read second time, and amended as follows: By striking out in line thirteen the words "a similar notice shall," and inserting in lieu thereof the words "he shall also cause a notice similar in substance to." By striking out in lines fourteen and fifteen the words "at least once a week, for two successive weeks, in the newspaper as hereinafter provided," and inserting the words "for a period of fifteen days in one or more daily newspapers published and circulated in said city, and designated by said City Council, or by two successive insertions in a weekly newspaper so published, circulated, and designated." By inserting in line fifteen, before the word "prop-

erty," the words "frontage of the." By striking out the word "posting" in line seventeen, and the word "and" in line eighteen, and inserting in lieu thereof the word "the." By inserting after the word "thereof," in line forty-three, the following:

Objections to the extent of the district of lands to be affected or benefited by said work or improvement, and to be assessed to pay the costs and expenses thereof, may be made by interested parties within the time allowed for other objections; but the City Council may, in its discretion, overrule all such objections; and if sustained after hearing, to be had as in this section above provided in case of other objections, all proceedings shall be stopped; but proceedings may be immediately again commenced by giving the notice of intention to do said work or make said improvement. If such objections are overruled by the City Council, the proceedings shall continue the same as if such objections had not been made.

Section four read second time, amendments by the committee adopted, and the section further amended as follows: By striking out the word "whereupon" in line twenty-seven; by striking out the word "hereunder" in line thirty; by striking out the words "as provided in the preceding section," in line thirty-five.

Sections five, six, seven, eight, nine, and ten read second time, and amendments of the committee adopted.

Section eleven read second time, amendments of the committee adopted, and the section further amended by striking out in line forty-two the word "fifty" and inserting the word "twenty-five."

Sections twelve and thirteen read second time, amendments of the committee adopted, and section thirteen amended as follows: By striking out on lines four and five the words "to his satisfaction and acceptance and that he has given to said contractor his certificate to that effect;" by adding at the end of line ten the words "from any or all persons directly interested in said work."

Section fourteen read second time, amendments of the committee adopted, and the section further amended by striking out the word "thereunder" in line eleven.

Sections fifteen, sixteen, and seventeen read second time, amendments of the committee adopted, and section seventeen further amended by striking out the word "theretofore" wherever it occurs in line two.

Sections eighteen and nineteen read second time, amendments of the committee adopted, and section nineteen further amended, by striking out the word "eighteen" in line five, and inserting the word "seventeen" in lieu thereof.

Sections twenty-one, twenty-two, twenty-three, twenty-four, and twenty-five read second time, amendments of the committee adopted, and section twenty-five further amended by inserting the word "regraveled" after word "replanked" in line eight.

Section twenty-six amended by striking out the word "to," in line five, and inserting in lieu thereof the word "shall."

Sections twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, and thirty-four, read second time, amendments of the committee adopted, and section thirty-four further amended as follows: By striking out in line twenty, subdivision three, the words "all under the provisions of this Act;" by striking out in line twenty-two, subdivision four, the words "daily in a newspaper," and inserting in lieu thereof the words "in a daily, semi-weekly, or weekly newspaper;" by inserting in line twenty-four, after the word "daily," the words "or semi-weekly or weekly;" by inserting in line twenty-seven, before the word "newspaper," the



words "semi-weekly or weekly;" by adding to subdivision seven, after the word "city," in line forty-one, the following: "In all those cities where there is no Street Superintendent or Superintendent of Streets, the City Council thereof is hereby authorized and empowered to appoint a suitable person to discharge the duties herein laid down as those of Street Superintendent or Superintendent of Streets, and all the provisions hereof applicable to the Street Superintendent or Superintendent of Streets shall apply to such person so appointed; by striking out in line forty-two, subdivision eight, all after the word "council" to the word "is" in line forty-three; by striking out all of line fifty-six, in subdivision eleven, to the word "is" in line fifty-six.

Section thirty-five read, and the amendment of the committee in line nine lost.

Sections thirty-six and thirty-seven read, and a motion to strike out section thirty-seven lost.

Mr. Whitney moved to amend section twenty-nine by adding thereto the following: "Said bonds shall bear interest, to be fixed by the City Council, at the rate of not to exceed six per cent per annum."

Mr. Murphy moved to amend by substituting "five per cent" for "six per cent."

The amendment as amended adopted.

Section four further amended by inserting after the word "posted," in line three, the words "for five days." Also, by inserting after the word "notice," in line three, the words "to be published for at least five days in one or more daily newspapers published and circulated in such city, or by at least one insertion in a weekly or semi-weekly newspaper so published and circulated, and."

Mr. Murphy moved to strike out section nineteen of the bill.

After debate, the ayes and noes were demanded on the motion to strike out.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Buck, Chandler, Fraser, Harrigan, Keating, Knight, Maddox, McCarthy, Murphy, Steele, and Whitney—11.

NOES—Messrs. Baldwin, Del Valle, Johnson, Kelley of Solano, Kellogg, Lynch, McClure, Perry, Reynolds, Spencer of Stanislaus, Vrooman, Wallis, and Wolfskill—13.

The bill, as amended, ordered engrossed.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Del Valle:

Resolution to amend the rules in accordance with the notice given on Saturday, February seventeenth, eighteen hundred and eighty-three.

Referred to Committee on Rules.

#### REPORTS OF COMMITTEES—(OUT OF ORDER).

##### ON HOSPITALS—(MINORITY REPORT.)

SENATE CHAMBER, February 19, 1883.

MR. PRESIDENT: The undersigned, members of your Committee on Hospitals, do most respectfully dissent from the majority report presented by the Committee on Senate Bill No. 278, and recommend that it do not pass.

GEO. H. PERRY.  
GEO. E. WHITNEY.

## ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 19, 1883.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 306—An Act to provide for the payment of the per diem of the members and attachés of the Constitutional Convention—have had the same under consideration, and recommend that it do pass.

K. E. KELLEY.  
PATRICK REDDY.

The undersigned members of the committee, offer a majority report, that it do not pass.

THOS. FRASER.  
J. J. HARRIGAN.  
B. F. LANGFORD.

## ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 19, 1883.

MR. PRESIDENT: The Committee on Finance, to whom was referred Senate Bill No. 285—An Act to amend sections three thousand six hundred and sixty-four, three thousand six hundred and sixty-five, and three thousand seven hundred and thirty-four of, and to add six new sections, to be numbered three thousand six hundred and sixty-six, three thousand six hundred and sixty-seven, three thousand six hundred and sixty-eight, three thousand six hundred and sixty-nine, three thousand six hundred and seventy, and three thousand seven hundred and seventy-one, to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to repeal a portion of section three thousand six hundred and fifty of said Act, the amendment of the sections, the new sections, and the repeal of portion of section three thousand six hundred and fifty, all relating to revenue, and particularly to the assessment of railways by the State Board of Equalization, and the collection of State, and county, and city and county taxes due upon such assessment—have had the same under consideration, and now report the same back to the Senate, with amendments, and recommend its passage as amended.

Also, Senate Bill No. 303—An Act to add a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the salary of the Clerk of the State Board of Equalization—have had the same under consideration, and report the same back to the Senate, and recommend its passage.

Also, Assembly Bill No. 243—An Act making appropriations to pay deficiencies in the appropriations for the support of the government for the thirty-fourth fiscal year—have had the same under consideration, and report the same back to the Senate with amendment, and recommend its passage as amended.

Also, Senate Bill No. 287—An Act to appropriate money for the purchase of caligraphs for the use of teachers and students residing at the asylum for the deaf, dumb, and blind—have had the same under consideration, and report the same back to the Senate, and recommend that it do pass.

MURPHY, Chairman.

## ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, February 19, 1883.

MR. PRESIDENT: Your Committee on Elections beg leave respectfully to return to your honorable body the original papers and documents in the contested election case of Brooks vs. Steele, the same having been printed, and copies laid upon the desks of Senators.

KELLOGG, Chairman.

## ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 19, 1883.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 248—An Act to regulate the retail sale of spirituous or malt liquors, and all intoxicating beverages—have had the same under consideration, and we of the majority report the same back to the Senate without recommendation.

C. D. REYNOLDS.  
A. L. CHANDLER.

## MINORITY REPORT.

The undersigned introduced Senate Bill No. 248 (by request), and dissenting from the majority report, recommend that the bill do not pass.

G. A. JOHNSON.

## ON JUDICIARY—(MINORITY REPORT).

The undersigned members of the Judiciary Committee dissent from the decision of the majority of said committee in recommending for passage Senate Bill No. 231, and recommend that said bill do not pass unless amended.

KELLOGG.  
CROSS.

## PETITIONS—(OUT OF ORDER).

By Mr. Perry: A resolution adopted by the Supervisors of San Francisco in relation to the evils of "straw bail."

Referred to Judiciary Committee.

By Mr. Murphy:

*To the Senate and Assembly of the State of California, in Legislature assembled:*

I hereby petition that your honorable body will so amend the Appropriation Bill that a sum of not less than two thousand dollars per annum be granted to the California State Woman's Hospital, on the following conditions, viz.:

*First*—That the appropriation thus made shall be reserved exclusively for the benefit and sustenance of that class of patients who through reverse of circumstances, or from prolonged illness, are compelled to receive the advantages which this worthy institution offers, without personal pecuniary remuneration.

*Second*—That such patients shall be treated gratuitously by the hospital staff of physicians and surgeons, and shall be subject to no further humiliation than are those who enter the institution as pay patients.

*Third*—That they shall be made to feel, so far as may be possible, that they are not entirely dependent on the wealthy class of our land, but that a just provision has been made by the State which enables them to feel in some degree independent, and removes the grinding sense that the road which they are gradually ascending towards health is wholly due to the kindness of a few charitably disposed persons. For in all sensitive natures—and what invalid is not sensitive?—the knowledge of personal obligation must tend to retard recovery.

*Fourth*—That the term "charity patient" shall be forever abolished, and that of "State patient" shall be substituted therefor. And your petitioner will ever pray.

AZALIA E. OSGOOD.

## RESOLUTION—(OUT OF ORDER).

By Mr. Wolfskill:

*Resolved*, That Hobby & Ellsworth be and are hereby allowed the sum of three dollars, payable out of the appropriation for the contingent expenses of the Senate, in full for cleaning and packing a water filter.

Referred to Committee on Contingent Expenses and Mileage.

## INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Mr. Cross: Senate Bill No. 366—An Act to enable women to vote at elections for school officers, and on matters pertaining solely to schools, and to qualify them to hold all educational offices.

Referred to Committee on Elections.

By Mr. Kelley of Solano: Senate Bill No. 367—An Act for the relief of the fishery interests of the State, and to provide a suitable canal for fish to enter the stream of Cache Creek.

Referred to Committee on Fish and Game.

By Mr. Murphy: Senate Bill No. 368—An Act making appropriation to pay deficiency in the appropriation for repairs to State Capitol building, and furniture and purchase of carpets for the thirty-fourth fiscal year.

Referred to Committee on Finance.

At four o'clock and forty minutes P. M., Mr. Murphy moved to adjourn.

Ayes and noes demanded.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Buck, Cross, Fraser, Kelley of Solano, Knight, McClure, Murphy, Steele, Vrooman, Wallis, and Whitney—11.

NOES—Messrs. Baldwin, Chandler, Cronan, Del Valle, Filcher, Johnson, Kellogg, Langford, Lynch, Maddox, Perry, Reynolds, Ryan, Taylor, and Wolfskill—15.

On motion of Mr. Cross, the Committee on Public, Swamp, and Overflowed Lands were given another day to report.

SPECIAL FILE—(RESUMED).

Senate Bill No. 228—An Act to provide for the submission of proposed amendments to the Constitution of the State of California to the qualified electors for their approval.

Read second time, and ordered engrossed.

ADJOURNMENT.

At four o'clock and fifty minutes P. M., Mr. Cross moved to adjourn. Carried, by a vote of thirteen ayes to ten noes, on a division of the Senate.

IN SENATE.

SENATE CHAMBER,  
Tuesday, February 20, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Buck, Chandler, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Steele, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of yesterday read and approved.

Senator Spencer of Stanislaus granted leave of absence, on account of illness.

REPORTS OF STANDING COMMITTEES.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, February 20, 1883.

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 91—"An Act to repeal sections one thousand five hundred and sixty, one thousand five hundred and sixty-one, one thousand five hundred and sixty-two, one thousand five hundred and sixty-three, and one thousand five hundred and sixty-four of the Political Code of California, abolishing teachers' institutes," have had the same under consideration, and now report the same back, with the recommendation that it do not pass.

JOHNSON, Chairman.

ON PUBLIC PRINTING—(A REPORT FROM THE STATE PRINTER).

OFFICE OF SUPERINTENDENT STATE PRINTING,  
SACRAMENTO, CAL., February 20, 1883.

*Honorable John Daggett, President Senate of California:*

SIR: I herewith transmit to you my report, in compliance with the resolutions passed by the Senate, ordering me to institute an inquiry into the cost of publishing school books.

Yours, obediently,

JAMES J. AYERS, Superintendent State Printing.

One thousand copies of the accompanying report ordered printed. Accompanying this report was a bill from J. J. Ayers, State Printer, for thirty-five dollars, for expenses incurred.

Referred to Committee on Contingent Expenses and Mileage.

#### ON PUBLIC, SWAMP, AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, February 20, 1883.

MR. PRESIDENT: Your Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 329—An Act entitled "An Act relating to swamp land surveys"—report the same back, by request of its author, Senator Perry, as he wishes to withdraw it.

Also, Assembly Bill No. 246—An Act entitled "An Act relating to unapproved swamp land surveys"—have had the same under consideration, and report the same back with a recommendation that it do not pass.

KELLEY of Solano, Chairman pro tem.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 20, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration, and do now report back to the Senate, Senate Bill No. 113—Entitled "An Act to amend section two thousand four hundred and sixty-eight of an Act entitled 'An Act to establish a Civil Code,' approved March 21, 1872, relating to certificates of partnership, and actions brought without filing said certificates"—and recommend that it do not pass.

Also, Senate Bill No. 114—Entitled "An Act to amend section one thousand three hundred and eighty-eight of an Act entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, relating to the bonds of administrators"—and recommend that it do not pass.

Also, Senate Bill No. 152—Entitled an Act to repeal an Act entitled "An Act amendatory of and supplemental to an Act to regulate fees of office and salaries of certain officers in the County of San Luis Obispo," approved March 29, 1872, approved April 3, 1876—and recommend its reference to the Committee on Counties, County Governments, and Township Organization.

Also, Senate Bill No. 195—Entitled an Act to amend section three hundred and forty-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the number and designation of civil executive officers—and return the same without recommendation.

Also, Senate Bill No. 286—Entitled an Act to amend sections seventy-six and one thousand three hundred and thirty-three of the Code of Civil Procedure—and recommend that it do not pass.

Also, Senate Bill No. 119—Entitled an Act to provide for repayment of charges or assessments, with interest thereon, paid by land owners on swamp land reclamation districts, in cases when all the land owners of said district have not paid such charges or assessments—referred to this committee for an opinion as to its constitutionality, and return the same with the opinion that it is constitutional.

Also, Senate Bill No. 124—Entitled an Act to amend the Constitution—and recommend that it do not pass.

Also, Senate Bill No. 194—Entitled an Act to amend section four hundred and seventy-two of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the annual salary of Deputy Attorney-General—and recommend its passage.

Also, Senate Bill No. 324—Entitled an Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, and to add six new sections thereto, to be known as sections three hundred and fifty-seven *a*, three hundred and fifty-seven *b*, three hundred and fifty-seven *c*, three hundred and fifty-seven *d*, three hundred and fifty-seven *e*, and three hundred and fifty-seven *f*, relating to the unlawful possession, driving, marking, branding, purchase, and sale of stock, and the hides of animals—and recommend that it do not pass.

Also, Assembly Bill No. 182—Entitled an Act to amend section three thousand seven hundred and eighty-eight of the Political Code of the State of California, relating to revenue—and recommend that it do not pass.

Also, Assembly Bill No. 200—Entitled an Act to amend section three thousand eight hundred and ninety-seven of the Political Code, in relation to the manner of sale of property purchased by the State at delinquent tax sales—and recommend that it do not pass.

Also, Assembly Bill No. 229—Entitled an Act to amend section two hundred and ninety-nine of the Civil Code, relating to the filing by corporations, in the office of County Clerk, certified copies of the copy of its articles of incorporation filed in the office of the Secretary of State, and certificate showing the names and places of residence of certain officers of any such corporation—and recommend that it do not pass.

Also, Assembly Bill No. 290—Entitled "An Act to add a new section to the Penal Code, to be known as section one thousand three hundred and eighty-eight, to provide for the probationary treatment of juvenile delinquents"—and recommend that it do not pass.

Also, Senate Bill No. 326—Entitled "An Act to provide for the disposal of moneys remaining in the building fund of any school district after all bonds and indebtedness shall have been



paid and liquidated arising from the construction of school buildings"—and recommend its passage as amended.

CROSS, Chairman.

Senate Bill No. 152 referred to Committee on Counties, County Governments, and Township Organization, and Senate Bill No. 119 referred to Committee on Public, Swamp, and Overflowed Lands.

#### ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 20, 1883.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 8—Relative to the appointment of Captain John Mullan as the agent and attorney of the State of California at Washington, D. C.—have had the same under consideration, and now report the same back, and recommend its passage.

BALDWIN, Chairman.

Senate Concurrent Resolution No. 8 adopted.

#### ON ELECTIONS.

SENATE CHAMBER, February 20, 1883.

MR. PRESIDENT: Your Committee on Elections, to whom was referred the contest between J. M. Brooks and George Steele for a seat in the Senate from the Third Senatorial District of the State of California, comprising the Counties of San Luis Obispo, Santa Barbara, and Ventura, report that they have had the same under consideration, and after a thorough examination of the testimony, and full argument by opposing counsel, find the contestant, J. M. Brooks, is entitled to his seat in the Senate from the Third Senatorial District, now occupied by George Steele.

W. W. KELLOGG.

PATRICK REDDY.

WARREN B. ENGLISH.

#### MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 20, 1883.

MR. PRESIDENT: We, the undersigned, members of your Committee on Elections, to whom was referred the contested election case of Brooks vs. Steele, beg leave to report as follows:

After an impartial examination of the testimony in this contest, and the law applicable thereto, we do not think the irregularities complained of in holding the election are sufficient to warrant such action on the part of this Senate as to unseat the sitting member, and thereby defeat or thwart the popular will of the legal voters.

DAVID McCLURE.

HENRY VROOMAN.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Kellogg:

*Resolved*, That the consideration of the reports of the Committee on Elections in the contested election case of Brooks vs. Steele be made the special order for Wednesday, February twenty-first, eighteen hundred and eighty-three, at eleven o'clock A. M.

Adopted.

Also, the following:

*Resolved*, That no Senator shall be allowed, unless by consent of the Senate, to speak for a longer time than thirty minutes upon the question.

Adopted.

#### SPECIAL FILE—(FIRST READING).

Senate Bill No. 84—An Act entitled "An Act to protect the sidewalks in unincorporated towns and villages in California."

Read first time, and placed on file for second reading.

Senate Bill No. 33—An Act to enable the Board of Supervisors, Board and Boards of Aldermen, and certain other legislative bodies

of any city and county, or city, to provide for the improvement of streets, lanes, alleys, places, courts, sewers, or sidewalks of such city and county, or city, in accordance with the provisions of section nineteen, article eleven, of the Constitution.

First reading refused.

Senate Bill No. 185—An Act to provide for the classification of municipal corporations.

Read first time, and placed on file for second reading.

#### SECOND READING.

Senate Bills Nos. 65 and 64 passed on file.

#### THIRD READING.

Assembly Bill No. 1, and Senate Bills Nos. 50 and 228 passed on file.

Leave of absence granted to Senator Murphy.

#### INTRODUCTION OF A BILL.

The following bill was introduced:

By Mr. Langford: Senate Bill No. 369—An Act to amend section two thousand one hundred and thirty-seven of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to insane asylums.

Placed on file, and read first time.

#### REPORT OF COMMITTEE ON RULES—(OUT OF ORDER).

SENATE CHAMBER, SACRAMENTO, February 20, 1883.

MR. PRESIDENT: Your Committee on Rules, to whom was referred resolution changing Rule Five of the Standing Rules of the Senate, have had the same under consideration, and now report the same back, and recommend its passage.

The question being on the adoption of the amended rule, as follows:

RULE V. After the reading and approving of the Journal, the order of business shall be as follows:

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Messages from the Assembly.
6. Special Orders of the Day.
7. Introduction of Bills.
8. Third Reading of Bills.
9. Second Reading of Bills.
10. First Reading of Bills.
11. Motions, Resolutions, and Notices.
12. Unfinished Business of the preceding day.
13. Reports from the Committees on Enrollment and on Engrossment shall at all times be in order.

*Provided*, That the messages from the Governor, State officers, and from the Assembly, may, on motion of any Senator, be considered at any time.

The ayes and noes were demanded by Senators Lynch, Reynolds, and Cross.

Roll called, with the following result:

AYES—Messrs. Baldwin, Buck, Cross, Del Valle, Filcher, Foster, Johnson, Kelsey of Solano, Kellogg, Knight, Langford, Lynch, Reddy, Reynolds, Sullivan, Wallis, Whitney, and Wolf-skill—18.

NOES—Messrs. Chandler, Dougherty, Fraser, Harrigan, Kelly of San Francisco, Maddox, McClure, Perry, Routier, Ryan, Spence of Napa, Steele, and Vrooman—13.

Lost.

Mr. Ryan gave notice that on the following day he should move for a reconsideration of the vote by which the amendment to Rule Five was lost.

Mr. Cross gave notice that on the following day he should move for an amendment to the rules to give Assembly Bills the preference on the file.

#### GENERAL FILE—FIRST READING OF BILLS.

Senate Bill No. 253—An Act to prevent a monopoly on common carriers.

First reading refused.

Senate Bill No. 254—An Act to regulate and limit the charges for services performed by telegraph corporations.

First reading refused.

Senate Bill No. 255—An Act prohibiting banks or savings and loan societies, and the attorneys, counsel, and other employes thereof, from charging borrowers for searching or passing upon the title to property mortgaged to said banks or societies, and providing for the appointment and payment of attorneys and counselors of such banks and societies.

First reading refused.

Senate Bill No. 256—An Act to limit and fix the rates and price of gas in all cities within the State of California having a population of one hundred thousand inhabitants or more.

First reading refused.

Senate Bill No. 177—An Act to regulate insurance companies.

Pending the discussion upon the question: "Shall this bill be read the first time?" a message was received from the Governor containing an appointment of Harbor Commissioner.

Mr. Cross moved that as this was a case of anxiety, the Governor's message should be read immediately.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 20, 1893. }

*To the honorable the Senate of the State of California:*

MR. PRESIDENT: I have this day appointed William Irwin, of Siskiyou County, a State Harbor Commissioner, vice George S. Evans, term expired, and respectfully ask the consent of the Senate to the same.

GEORGE STONEMAN, Governor.

On motion of Mr. Cross, the consideration of the Governor's appointment was made the special order for Wednesday, February twenty-first, eighteen hundred and eighty-three, at two o'clock p. m.

#### FIRST READING OF BILLS—(RESUMED).

Ayes and noes demanded on the question of the first reading of Senate Bill No. 177.

Roll called, and the first reading ordered by the following vote:

AYES—Messrs. Baldwin, Buck, Cross, Del Valle, Dougherty, English, Fileher, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Steele, Sullivan, and Taylor—25.

NOES—Messrs. Chandler, Maddox, McClure, Vrooman, and Wallis—5.

Read first time, and placed on file for second reading.

#### SPECIAL FILE.

On motion of Mr. Fileher, the third reading of bills on special file was resumed.

Assembly Bill No. 1—An Act to repeal chapter two, of title six, of part three of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three of said Code, and to substitute the same in place of said repealed chapter two in said Code, relating to roads and highways.

Read third time, a motion by Mr. Ryan being made to extend the hour for recess until the reading was concluded.

Hon. R. F. Del Valle, President pro tem., in the chair.

Mr. Langford moved to refer the bill to the Committee on Roads and Highways, with instructions to amend, by inserting in section two thousand six hundred and fifty-two, line thirty, after the words "balance shall be," the words "apportioned to the several districts of the county equally."

So referred.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

The Committee on Roads and Highways, through their Chairman, reported that they had amended the bill in accordance with the instructions of the Senate.

Mr. Fraser dissented.

On motion, the report of the committee was accepted.

Mr. Vrooman moved to refer the bill to the Chairman of the Judiciary Committee, with instructions to amend section one, by striking out the words "of the Political Code," and insert in lieu thereof the following: "of an Act of the Legislature of the State of California entitled 'An Act to establish a Political Code,' approved March 12, 1872."

So referred.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

SENATE CHAMBER, February 20, 1883.

MR. PRESIDENT: Having been this day appointed a committee of one to amend section one of Assembly Bill No. 1, in accordance with instructions of the Senate, in accordance with said instructions I hereby report back Assembly Bill No. 1, amended as follows: Amend section one on page one of Assembly Bill No. 1, by striking out the words "of the Political Code," on line one, and insert in lieu thereof the following: "of an Act of the Legislature of the State of California entitled 'An Act to establish a Political Code,' approved March 12, 1872."

CROSS.

Adopted.

Mr. Vrooman moved to amend the title, by striking out the same, and inserting in lieu thereof the following:

"An Act to repeal chapter two, of title six, of part three of an Act of the Legislature of the State of California entitled 'An Act to establish a Political Code,' approved March 12, 1872, and each and every section of said chapter two, and to enact a new chapter two, of title six, of

part three of said Code, and substitute the same in place of said repealed chapter two in said Code relating to roads and highways."

Amendment to the title adopted.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Mr. Taylor: Senate Bill No. 370—An Act to vacate certain offices, to define the tenure of office in the offices vacated, and to create a new cause of vacancy for a certain purpose in certain offices.

Referred to Judiciary Committee.

By Mr. Ryan: Senate Bill No. 371—An Act making appropriation to pay deficiency in the appropriation for repairs to the State Capitol building and furniture and purchase of carpets for the thirty-fourth fiscal year.

Referred to Finance Committee.

#### RECESS.

At twelve o'clock and forty-seven minutes p. m., the President declared a recess.

#### REASSEMBLED.

At two o'clock p. m. the Senate reassembled.

Hon. R. F. Del Valle, President pro tem., in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Buck, Chandler, Cronan, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Langford, Lyneh, Maddox, McClure, Perry, Reynolds, Routier, Speneer of Napa, Steele, Sullivan, and Whitney.

Quorum present.

#### THIRD REPORT FROM COMMITTEE ON ELECTIONS—(OUT OF ORDER).

SENATE CHAMBER, February 20, 1883.

MR. PRESIDENT: The undersigned members of your Committee on Elections, have had under consideration the matter of the contested election of Brooks vs. Steele, and do now report as follows:

That in our opinion the sitting member should retain his seat.

While there have been some irregularities in the election in the Third Senatorial District, they have not been of such a character as to affect the substantial rights of the parties interested.

The policy of the law is such that the inquiry must be as to whether or not the popular will in the selection of officers to administer the public affairs has been, in a given case, defeated or thwarted by mistakes happened, or fraud concocted, or irregularities.

In the language of our Supreme Court, which we quote, "the investigation proposed is one in which the public at large are deeply interested, and it necessarily involves a question of broader import than the individual claim of a designated person to enjoy the honors and emoluments of the particular office brought directly in contest."

We are of the opinion that the popular will of the electors of the Third Senatorial District has not been defeated, and we are therefore unwilling to deprive the sitting member of his seat.

We believe that while the ousting of Mr. Steele could be justified by the precedents furnished by the Republican party, still we do not consider such a method of procedure consistent with the policy that should be pursued by the Democratic party in this State.

DENNIS SPENCER.  
FRANK J. SULLIVAN.



## SPECIAL ORDER.

Consideration of majority and minority opinions of Judiciary Committee, concerning the Regents of the State University.

Mr. English moved for a

## CALL OF THE SENATE.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Buck, Chandler, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McClure, Nelson, Perry, Reynolds, Routier, Spencer of Napa, Steele, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill.

Mr. Kellogg moved to dispense with further proceedings under the call of the Senate.

Lost.

The Sergeant-at-Arms was furnished a list of absentees, and the doors closed.

The Sergeant-at-Arms appeared and announced that Senator Ryan was without, desiring admittance.

On motion, Senator Ryan was admitted, and afterwards excused.

Mr. Maddox moved to dispense with further proceedings under the call of the Senate.

Lost.

The Sergeant at-Arms appeared and announced that Senator Cronan was without, desiring admittance.

On motion, Senator Cronan was admitted, and afterwards excused.

Mr. Spencer of Napa moved to dispense with further proceedings under the call of the Senate.

Lost.

The Sergeant-at-Arms appeared, and announced that Senator Wallis was without, desiring admittance.

On motion, Senator Wallis was admitted, and afterwards excused.

Mr. Kellogg moved to dispense with further proceedings under the call of the Senate.

Carried, on a division of the Senate, by a vote of fourteen ayes to twelve noes.

## SPECIAL ORDER—(RESUMED).

Mr. Spencer of Napa moved to postpone consideration of the special order until eight o'clock P. M.

Lost.

Mr. Kellogg moved to adopt the majority report of the Judiciary Committee.

Mr. Cross moved to amend by striking out the word "majority," and inserting the word "minority" in lieu thereof.

President Daggett in the chair.

After debate, the ayes and noes were demanded on the amendment offered by Mr. Cross, by Senators Del Valle, Fraser, and Ryan.

Roll called, and the amendment adopted by the following vote:

**AYES**—Messrs. Buck, Cronan, Cross, Del Valle, English, Filcher, Foster, Harrigan, Kelly of San Francisco, Lynch, Maddox, Reynolds, Ryan, Spencer of Napa, Sullivan, Taylor, and Wolfskill—17.

**NOES**—Messrs. Baldwin, Chandler, Dougherty, Fraser, Johnson, Kelley of Solano, Kellogg, McClure, Nelson, Perry, Reddy, Routier, Steele, Vrooman, Wallis, and Whitney—16.

Mr. Perry moved to take a recess until seven o'clock and thirty minutes P. M.

Ayes and noes demanded by Senators Perry, Harrigan, and Nelson.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Baldwin, Cronan, Dougherty, English, Fileher, Harrigan, Kelly of San Francisco, Lynch, Maddox, Nelson, Perry, Ryan, Spencer of Napa, Sullivan, and Taylor—15.

NOES—Messrs. Buck, Chandler, Cross, Del Valle, Foster, Fraser, Johnson, Kelley of Solano, Kellogg, Knight, Langford, McClure, Reddy, Reynolds, Routier, Steele, Vrooman, Wallis, Whitney, and Wolfskill—20.

#### ADJOURNMENT.

At five o'clock and twenty minutes P. M., Mr. McClure moved to adjourn.

Ayes and noes demanded by Senators Routier, Cronan, and Perry.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Buck, Chandler, Cross, Dougherty, English, Foster, Fraser, Harrigan, Johnson, Kelley of Solano, Knight, McClure, Nelson, Perry, Reddy, Routier, Spencer of Napa, Steele, Sullivan, Taylor, Vrooman, and Wallis—22.

NOES—Messrs. Baldwin, Cronan, Del Valle, Fileher, Kelly of San Francisco, Kellogg, Langford, Lynch, Maddox, Reynolds, Ryan, Whitney, and Wolfskill—13.

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#### IN SENATE.

SENATE CHAMBER.  
Wednesday, February 21, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Buck, Chandler, Cronan, Cross, Del Valle, Dougherty, English, Fileher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Steele, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of yesterday read and approved.

#### REPORTS OF STANDING COMMITTEES.

##### ON MINES.

SENATE CHAMBER, SACRAMENTO, February 20, 1883.

MR. PRESIDENT: The Committee on Mines, to whom was referred Senate Bill No. 159—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section three thousand four hundred and seventy-eight—have had the same under consideration, and, at the request of the author, report the same back to the Senate, and recommend that the author have leave to withdraw it.

Senate Bill No. 159 withdrawn.

Also, Senate Bill No. 59—"An Act to provide rules for working mines, involving easements, drainage, and other necessary means to their complete development"—have had the same under consideration, and report the same back to the Senate without recommendation.

KELLOGG, Chairman.

#### ON CONTINGENT EXPENSES AND MILEAGE.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz.:

*Resolved*, That the Controller of State is hereby directed to draw his warrant in favor of B. C. Brier, for the sum of five hundred and thirty-nine dollars and sixty cents (\$539 60), due for reporting and transcribing testimony taken before the Senate Committee on State Prisons, payable out of the Contingent Fund of the Senate.

The committee to whom the above was referred have had the same under consideration, report the same back, and recommend that it pass.

Adopted.

Also, the following:

*Resolved*, That the Committee on Contingent Expenses and Mileage be and it is hereby requested to ascertain which of the employes of this Senate, if any, can be dispensed with without detriment to the efficiency of the body, and which of the committee clerks, if any, can be dispensed with without detriment to the efficiency of the committees; and report the result of its investigations at as early a day as possible to the Senate for action thereon.

The committee to whom the above was referred have had the same under consideration, and recommend that a special committee be appointed to investigate the matter.

Also, the following:

*Resolved*, That Hobby & Ellsworth be and are hereby allowed the sum of three (3) dollars, payable out of the Contingent Expense Fund of the Senate, for cleaning and packing a water-filter.

The committee have had the same under consideration, and recommend that it pass.

MADDOX, Chairman.

Adopted.

#### ON ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 21, 1883.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred Senate Bills Nos. 50 and 228, have examined the same, and find them properly engrossed.

NELSON, Chairman.

#### ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 21, 1883.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Assembly Bill No. 212, have had the same under consideration, report the same back, and recommend that it do pass; also, report back Senate Bill No. 90, and recommend a substitute for the same, introduced by the Committee on City, City and County, and Town Governments, and that the said substitute do pass.

JOHNSON, Chairman.

Five hundred copies of the substitute for Senate Bill No. 90 ordered printed.

#### ON JUDICIARY—(MAJORITY REPORT).

SENATE CHAMBER, February 20, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration Senate Bills Nos. 104, 125, 126, and 127, relative to the power of the State to print text-books, referred to this committee for an opinion as to their constitutionality, and we, the undersigned, a majority of said committee, do now report to the Senate that in our opinion the said bills are constitutional.

DAVID MCCLURE.  
G. A. JOHNSON.  
K. E. KELLEY.  
W. W. KELLOGG.  
C. W. CROSS.  
DENNIS SPENCER.  
F. J. SULLIVAN.

#### MINORITY REPORT.

SENATE CHAMBER, February 20, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration Senate Bills Nos. 104, 125, 126, and 127, relative to the power of the State to print text-books, referred to

this committee for an opinion as to their constitutionality, and we, the undersigned, a minority of said committee, do now report to the Senate that in our opinion the said bills are unconstitutional.

CLAY W. TAYLOR.  
GEO. E. WHITNEY.  
HENRY VROOMAN.  
PATRICK REDDY.  
GEO. H. PERRY.

ON PUBLIC BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 21, 1883.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds have had under consideration Senate Bill No. 297—An Act for the establishment of a system of drainage for the State University, and for the Institute of the Deaf and Dumb and Blind—and report the same back, and recommend that it do not pass.

For the Committee.

CROXAN, Chairman.

MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 20, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twentieth day of February, A. D. eighteen hundred and eighty-three, adopted Assembly Concurrent Resolution No. 29—Relative to instructing our Senators and requesting our members in the Congress of the United States to urge the passage of laws for the promotion and protection of the viticultural industries of the State of California and other States of the Union.

M. C. HALEY, Chief Clerk.  
By G. W. HERBERT, Assistant Clerk.

Referred to Committee on Agriculture.

SPECIAL FILE—(FIRST READING).

Senate Bill No. 124—An Act to amend the Constitution.  
First reading refused.

SECOND READING.

Senate Bills Nos. 65 and 64 passed on file.

Senate Bill No. 84—An Act entitled "An Act to protect the sidewalks in unincorporated towns and villages in California."

Read second time, and ordered engrossed.

Senate Bill No. 185—An Act to provide for the classification of municipal corporations.

Read second time, amendments of the committee adopted, and the bill ordered engrossed.

THIRD READING.

Senate Bill No. 50—An Act to provide for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Buck, Chandler, Cross, Del Valle, Dougherty, English, Fileher, Foster, Fraser, Harrigan, Johnson, Keating, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Ryan, Spencer of Napa, Steele, Sullivan, Vrooman, Whitney, and Wolfskill—32.

NOES—None.

Title read and approved.

Senate Bill No. 228—An Act to provide for the submission of proposed amendments to the Constitution of the State of California to the qualified electors for their approval.

Read third time.

Mr. McClure moved to refer the bill to a committee of one, consisting of Senator Vrooman, with instructions to amend by striking out the word "approved," in line fourteen of section one, and insert in lieu thereof the word "proposed."

Carried.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

Mr. Vrooman made verbal report, that he had amended the bill in accordance with the instructions of the Senate.

Adopted.

The bill as amended was then passed by the following vote :

AYES—Messrs. Baldwin, Buck, Chandler, Cross, Del Valle, Dougherty, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Ryan, Spencer of Napa, Steele, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill—34.

NOES—None.

Title read and approved.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

##### ON PUBLIC PRINTING.

SENATE CHAMBER, SACRAMENTO, February 21, 1883.

MR. PRESIDENT: Your Committee on Public Printing, to whom was referred Senate Bill No. 305—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1882, in relation to the printing of statutes and journals—have had the same under consideration, and now report the same back, and recommend its passage.

J. A. FILCHER.  
J. J. HARRIGAN.

#### SPECIAL ORDER—CONSIDERATION OF REPORTS OF COMMITTEE ON ELECTIONS IN CONTESTED CASE OF BROOKS VS. STEELE.

Mr. Kellogg moved that the report of the Committee on Elections, signed by Senators Kellogg, Reddy, and English, be adopted.

Motion carried under a misapprehension, and the vote reconsidered.

Before again putting the motion to vote, the President asked Mr. Steele if he desired to make a statement before the vote was taken.

Mr. Steele made a statement, and retired from the Senate pending the debate.

At twelve o'clock and thirty minutes P. M., the President declared a recess.

#### REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

Roll called, and the following Senators answered to their names :

Messrs. Baldwin, Buck, Chandler, Cronan, Cross, Del Valle, Dougherty, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Ryan, Steele, Taylor, Vrooman, Wallis, and Wolfskill.

Quorum present.

#### PETITION—(OUT OF ORDER).

By Mr. Vrooman: A petition from the Trustees of the town of



Berkeley in regard to the sewerage of the State University, and Deaf, Dumb, and Blind Asylum.

Referred to Committee on Public Buildings.

#### REPORTS OF COMMITTEES—(OUT OF ORDER).

##### ON ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 21, 1883.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred Senate Bills Nos. 84 and 185, have examined the same, and find them properly engrossed.

NELSON, Chairman.

##### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 21, 1883.

MR. PRESIDENT: The Committee on Finance, to whom was referred Senate Bill No. 368—An Act making appropriation to pay deficiency in the appropriation for repairs to State Capitol building, and furniture, and purchase of carpets, for thirty-fourth fiscal year—have had the same under consideration, and report the same back to the Senate, and recommend that it do pass.

PIERCE H. RYAN, for the Committee.

#### SPECIAL ORDERS.

Consideration of Senate Bills Nos. 117 and 140 postponed until Friday, February twenty-third, at two o'clock P. M.

Consideration of the appointments of the Governor, postponed until Friday, February twenty-third, at three o'clock P. M.

#### RESOLUTION—(OUT OF ORDER).

By Mr. English:

*Resolved*, That when the Senate adjourn this day, it adjourn out of respect to the memory of the illustrious father of his country, George Washington, to meet on Friday, February twenty-third, at two o'clock P. M.

Mr. Ryan moved to amend, by substituting "ten o'clock A. M.," for "two o'clock P. M."

Ayes and noes demanded on the amendment, by Senators Ryan, Baldwin, and Reynolds.

Roll called, and the amendment lost by the following vote:

AYES—Messrs. Baldwin, Buck, Cronan, Cross, Dougherty, Fraser, Johnson, Kelly of San Francisco, Reynolds, and Ryan—10.

NOES—Messrs. Chandler, Del Valle, English, Foster, Harrigan, Keating, Kellogg, Knight, McCarthy, McClure, Nelson, Perry, Reddy, Taylor, Vrooman, Wallis, and Wolfskill—17.

Ayes and noes demanded on the adoption of the original resolution by Senators Perry, Ryan, and Reynolds.

Roll called, and the resolution adopted by the following vote:

AYES—Messrs. Baldwin, Cronan, Del Valle, Dougherty, English, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, McCarthy, McClure, Nelson, Taylor, Vrooman, and Wallis—18.

NOES—Messrs. Chandler, Cross, Foster, Perry, Reddy, Reynolds, Ryan, and Wolfskill—8.

#### SPECIAL ORDER—(RESUMED).

Consideration of the reports from the Committee on Elections on the contested election case of Brooks vs. Steele.

After debate, at five o'clock P. M., Mr. McClure moved a call of the Senate.

Lost.

Question occurring on the motion to adopt the report signed by Senators Kellogg, Reddy, and English, the ayes and noes were demanded by Senators Kellogg, Kelly of San Francisco, and Fraser.

Roll called, and the report adopted by the following vote:

AYES—Messrs. Buck, Cronan, Cross, Dougherty, English, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Langford, McCarthy, Nelson, Reddy, Ryan, Spencer of Stanislaus, Taylor, and Wolfskill—19.

NOES—Messrs. Baldwin, Chandler, Filcher, Foster, Fraser, Knight, McClure, Reynolds, Spencer of Napa, Sullivan, and Vrooman—11.

PAIRED—Messrs. Del Valle and Maddox—2.

#### NOTICE—(OUT OF ORDER).

By Mr. Langford:

I hereby give notice that, on to-morrow, I will move to amend Rule Seven of the Standing Rules of the Senate, by inserting after the "General Street Bills" the words "State Appropriation Bills."

#### ADJOURNMENT.

At five o'clock and ten minutes P. M., Mr. Kellogg moved to adjourn.

Ayes and noes demanded by Senators McClure, Baldwin, and Ryan.

Roll called, and the Senate adjourned by the following vote:

AYES—Messrs. Buck, Dougherty, English, Fraser, Harrigan, Johnson, Keating, Kelley of Solano, Kellogg, McCarthy, McClure, Nelson, Reddy, Taylor, Vrooman, and Wolfskill—16.

NOES—Messrs. Baldwin, Chandler, Cronan, Cross, Del Valle, Filcher, Foster, Kelly of San Francisco, Knight, Langford, Reynolds, Ryan, Spencer of Napa, and Spencer of Stanislaus—14.

#### IN SENATE.

SENATE CHAMBER,  
Friday, February 23, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Rontier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Mr. Kellogg moved that J. M. Brooks be declared\*entitled to and invited to take the seat in the Senate from the Third Senatorial District.

Carried.

The President appointed Senator Kellogg a committee of one to escort Mr. Brooks to the desk, and to his seat in the Senate.

Whereupon the oath of office was administered to Mr. J. M. Brooks by the President.

Journal of Wednesday read and approved.

#### SPECIAL ORDER.

Consideration of Senate Bills Nos. 117 and 140, on second reading. Mr. Perry introduced a substitute for Senate Bill No. 117—An Act to amend the Constitution.

Substitute read and adopted, and ordered engrossed.

Senate Bill No. 140 passed on file.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Kellogg: A resolution to appropriate one thousand eight hundred and eighty dollars and seventy-eight cents to pay the expenses of George Steele in the contested election case of Brooks vs. Steele, as per schedule inclosed.

Referred to Committee on Contingent Expenses and Mileage.

By Mr. Langford: A resolution to amend Rule Seven of the Standing Rules of the Senate.

Referred to Committee on Rules.

By Mr. McClure: Memorial from the Board of Trade of San Francisco in relation to the maintenance of the mail steamship line from San Francisco to New Zealand and Australia.

Referred to Committee on Federal Relations.

Also, Senate Concurrent Resolution No. 16—Relative to the mail service between the United States, New Zealand, and Australia.

Referred to Committee on Federal Relations.

By Mr. Spencer of Stanislaus: Senate Concurrent Resolution No. 17—Relative to the intimidation of voters at Mare Island Navy Yard.

Referred to Committee on Federal Relations.

By Mr. Knight:

*Resolved*, That the Controller be and he hereby is authorized to draw his warrant, to be paid from Contingent Fund of the Senate, in favor of Benjamin Knight, for the sum of ninety-five dollars and sixty cents (\$95 60), on account of mileage of Ed. Leake, clerk of Committee on Hospitals and Asylums, to Los Angeles and return.

Referred to Committee on Contingent Expenses and Mileage.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Mr. Johnson: Senate Bill No. 372—An Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof.

Referred to Committee on Agriculture.

By Mr. Routier: Senate Bill No 373—An Act to pay Mrs. Annie McNamee, widow and residuary legatee of Frank McNamee, deceased, for moneys advanced and merchandise furnished by said Frank McNamee, deceased, to M. Miles, in the months of July, August, and September, A. D. eighteen hundred and seventy-five, in performing his contract with the State to erect a branch State Prison at Folsom.

Referred to Committee on Claims.

## REPORTS OF COMMITTEES.

## ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 23, 1883.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 241—An Act for the better protection of life and property, by regulating the management of steam boilers, and other apparatus subject to pressure—have had the same under consideration, and now report the same back, and recommend that it do not pass, for the reason that a bill containing similar provisions has already been recommended for passage, and is now upon the first reading file of the Senate.

Also, Senate Bill No. 323—An Act entitled "An Act to amend section five thousand five hundred and one of the Civil Code," relating to rates of fares on street railroads—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Senate Bill No. 362—An Act to prevent common carriers from making discriminations, and unjust and extortionate charges on the carriage of goods in violation of law—have had the same under consideration, and report the same back, and recommend that it do not pass.

RYAN, Chairman.

## ON PUBLIC MORALS.

SENATE CHAMBER, SACRAMENTO, February 23, 1883.

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 341—An Act to incorporate religious societies—have had the same under consideration, and report the same back, with a recommendation that it do not pass.

REYNOLDS, Chairman.

## ON COUNTIES, COUNTY GOVERNMENTS, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, February 23, 1883.

MR. PRESIDENT: The Committee on Counties, County Governments, and Township Organization having had Assembly Bill No. 138 under consideration, report the same back, with recommendation that it do pass.

DENNIS SPENCER, Chairman.

## MINORITY REPORT.

SENATE CHAMBER, February 23, 1883.

MR. PRESIDENT: The undersigned, a member of the Committee on Counties, County Governments, and Township Organization, having duly considered Assembly Bill No. 138, which was referred to said committee, begs leave to report that the people of Fresno County have not petitioned for the change of boundary contemplated by the said bill; that a remonstrance against the passage of said bill signed by one hundred and thirty-two citizens of Merced County has been presented; that the people of San Benito County have not petitioned for the change; that the present boundaries are the natural boundaries of the counties mentioned; and the change is opposed by the members of the Assembly from all of the counties except the County of San Benito, and by the Senators representing all of the counties concerned except the County of San Benito; that no reason has been shown for incurring the expense and extra taxation incident to such change of boundary; and therefore the undersigned would recommend that the bill do not pass.

PATRICK REDDY.

## SECOND MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 23, 1883.

MR. PRESIDENT: The undersigned dissents from the report of the majority of the Committee on Counties, County Governments, and Township Organization, in regard to Assembly Bill No. 138, and recommends that the said bill do not pass.

G. A. JOHNSON.

## ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, February 23, 1883.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 5—Relative to locating the eastern boundary line—have had the same under consideration, and now report the same back, and recommend its passage as amended.

Senate Concurrent Resolution No. 5, on motion of Mr. Cross, amended by inserting after the words "our Senators and Representatives," the words "in Congress."

Resolution as amended adopted.

Also, Assembly Concurrent Resolution No. 16—Relative to lapsed land grants to railroads, and their restoration to the public domain—now report the same back, and recommend its passage.

### Adopted.

Also, Assembly Concurrent Resolution No. 3—Relative to the revision of the tariff laws by the Congress of the United States of America—now report the same back, and recommend its passage.

On motion of Mr. Cross, this resolution was ordered reprinted, and made a special order for Monday, February twenty-sixth, at four o'clock P. M.

Also, Senate Concurrent Resolution No. 15—Relative to requesting our Representatives and instructing our Senators in Congress to use their best efforts toward securing the promotion of Lieutenant W. I. Reed, U. S. A.—now report the same back without recommendation.

### Senate Concurrent Resolution No. 15 adopted.

Also, Senate Concurrent Resolution No. 12—Relative to instructing our Senators and requesting our Representatives in Congress to take certain action in regard to Alaska government—now report the same back, and recommend its passage.

BALDWIN, Chairman.

### Senate Concurrent Resolution No. 12 adopted.

#### ON PUBLIC BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 23, 1883.

MR. PRESIDENT: Your Committee on Public Buildings and Grounds would report as follows: They have had under consideration Senate Bill No. 302—An Act for the better protection of life and property—have drawn a substitute for the same, and recommend its passage.

Also, Senate Bill No. 351—An Act to add four new sections to the Political Code—report the same back, and recommend its passage.

CRONAN, Chairman.

#### ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 23, 1883.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 38—"An Act to authorize the Treasurer of State to pay out certain money paid into the treasury under an Act to promote drainage, approved April 23, 1880"—beg leave to report that they have duly considered the same, and recommend that it do not pass.

KELLEY, Chairman.

#### ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, February 23, 1883.

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 331—An Act to amend sections two thousand four hundred and thirty-three, two thousand four hundred and thirty-six, two thousand four hundred and forty, and two thousand four hundred and forty-three of article five of the Political Code, relating to pilots and Pilot Commissioners; and two thousand four hundred and fifty-seven, two thousand four hundred and sixty, two thousand four hundred and sixty-two, two thousand four hundred and sixty-five, two thousand four hundred and sixty-six, two thousand four hundred and sixty-seven of article six of the Political Code, relating to the pilot regulations for San Francisco, Mare Island, and Benicia—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

JEREMIAH LYNCH.  
GEO. E. WHITNEY.  
PIERCE H. RYAN.

#### ON JUDICIARY.

SENATE CHAMBER, February 23, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration, and do now report back to the Senate, Senate Bill No. 155—Entitled "An Act to amend section four of article eleven of the Constitution of the State of California"—and recommend its passage.

Also, Senate Bill No. 158—Entitled "An Act to amend section eight hundred and seventy-two of an Act entitled 'An Act to establish a Penal Code,' approved February 14, 1872, relating



to the holding of defendants to answer when charged with the commission of a public offense"—and recommend its passage.

Also, Assembly Bill No. 288—Entitled "An Act providing the manner and time of submitting proposed amendments to the Constitution of the State of California to the people"—and recommend its passage as amended in committee.

CROSS, Chairman.

#### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, February 21, 1883.

MR. PRESIDENT: The Committee on Finance, to whom was referred Senate Bill No. 333—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-second fiscal year—have had the same under consideration, and report the same back to the Senate, and recommend that it do pass.

Also, Senate Bill No. 334—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-third fiscal year—have had the same under consideration, and report the same back to the Senate, and recommend that it do pass.

Also, Senate Bill No. 335—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-fourth fiscal year—have had the same under consideration, and report the same back to the Senate, and recommend that it do pass.

ENGLISH, for the Committee.

#### RESOLUTIONS, NOTICES, ETC.—(OUT OF ORDER).

Mr. McClure gave notice that, on Monday next, he should call for a report from the Committee on City, City and County, and Town Governments, on Senate Bill No. 92.

By Mr. Whitney: Senate Concurrent Resolution No. 18—Relative to the proposed repeal of the preemption laws of the United States, and instructing our Senators and Representatives in Congress to oppose such repeal.

Resolution read and adopted.

#### INTRODUCTION OF A BILL—(OUT OF ORDER).

By Mr. Lynch: Senate Bill No. 374—An Act to add a new section to the Civil Code, to be numbered section five hundred and fifty-three, relating to the forfeiture of charters of corporations supplying water to the inhabitants of towns, cities, or cities and counties.

Mr. Lynch moved that the bill be read for information.

Objections offered, and a roll-call demanded on the motion by Senators Lynch, Kelly of San Francisco, and Harrigan.

Roll called, with the following result:

AYES—Messrs. Baldwin, Cox, Cross, Del Valle, English, Filcher, Foster, Fraser, Harrigan, Kelly of San Francisco, Langford, Lynch, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—19.

NOES—Messrs. Brooks, Buck, Chandler, Cronan, Dougherty, Johnson, Keating, Kelley of Solano, Kellogg, Knight, McClure, Nelson, Perry, Routier, Vrooman, Wallis, and Whitney—17.

Title read, and referred to Judiciary Committee.

Special order for three o'clock P. M.—Consideration of the Governor's message relative to appointments.

Mr. Taylor moved to postpone the consideration of the Governor's appointments until Thursday, March first, eighteen hundred and eighty-three, at two o'clock P. M.

Ayes and noes demanded on the motion, by Senators Cronan, Spencer, and McCarthy.

Roll called, with the following result:

AYES—Messrs. Baldwin, Buck, Cox, Cross, Del Valle, Fileher, Foster, Harrigan, Johnson, Kelly of San Francisco, Knight, Langford, Lynch, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, and Taylor—19.

NOES—Messrs. Brooks, Chandler, Cronan, Dougherty, English, Fraser, Keating, Kelley of Solano, Kellogg, McCarthy, McClure, Nelson, Perry, Routier, Vrooman, Wallis, Whitney, and Wolfskill—18.

Carried.

Mr. Kelley of Solano granted one day's leave of absence.

#### MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 23, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 39—Relating to the restoration to the public domain of lapsed lands granted to aid in the construction of railroads, for their sale to actual settlers, and for the appropriation of the proceeds to aid in the construction of a transcontinental railway by the General Government.

Also, adopted Assembly Concurrent Resolution No. 43—Relative to the law now introduced in Congress for the relief of the settlers on the Moquelunnos grant in this State.

M. C. HALEY, Chief Clerk.

Assembly Concurrent Resolutions Nos. 39 and 43, referred to Committee on Federal Relations.

#### SPECIAL FILE.

Assembly Bill No. 1—An Act to repeal chapter two, of title six, of part three, of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three, of said Code, and to substitute the same in place of said repealed chapter two of said Code, relating to roads and highways.

Passed by the following vote:

AYES—Messrs. Baldwin, Buck, Chandler, Cox, Cross, Del Valle, Dougherty, Fileher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Wallis, and Whitey—29.

NOES—Mr. Fraser—1.

Title read and approved.

#### FIRST READING.

Senate Bill No. 90—An Act to provide for the organization, incorporation, and government of municipal corporations, and providing for all classes, except cities containing a population of more than one hundred thousand inhabitants.

Mr. Johnson moved that the rule, in conformity with section fifteen, of article four, of the Constitution, requiring a bill to be read at length, be suspended, and that this bill be declared read the first time.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Fileher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, McClure, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Wallis, Whitney, and Wolfskill—32.

NOES—Messrs. Brooks and Vrooman—2.

## CONSIDERATION OF BILLS—(OUT OF ORDER).

Mr. Spencer of Napa moved to take up Assembly Bill No. 225 out of order.

Ayes and noes demanded on this motion, by Senators Dougherty, Spencer of Napa, and Kelly of San Francisco.

Roll called, with the following result:

AYES—Messrs. Baldwin, Brooks, Buck, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Johnson, Keating, Kelly of San Francisco, Knight, Langford, Lynch, McCarthy, Nelson, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, and Taylor—27.

NOES—Messrs. Chandler, Kellogg, McClure, Perry, Vrooman, Wallis, Whitney, and Wolfskill—8.

Assembly Bill No. 225—An Act to amend section one thousand and ninety-seven of an Act to establish a Political Code, approved March 12, 1872.

Read first time, and placed on file for second reading.

Mr. Kellogg moved to take up Senate Bill No. 112 out of order.

Carried.

Senate Bill No. 112—An Act for the relief of James Saultry, for personal injuries received by him while in the service of the State.

Read first time, and placed on file for second reading.

Mr. English moved to take up Assembly Bill No. 140 out of order.

Carried.

Assembly Bill No. 140—An Act for the protection of the dairy industries of this State, and the consumers of dairy productions.

Read first time, and placed on file for second reading.

Mr. McClure moved to take up Assembly Bill No. 217 out of order.

Lost.

Mr. Kellogg moved that the Senate proceed to the consideration of unfinished business.

Lost.

## SPECIAL FILE—(RESUMED).

Senate Bills Nos. 65 and 64 passed on file.

## THIRD READING.

Senate Bill No. 84—An Act entitled "An Act to protect the sidewalks in unincorporated towns and villages in California."

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—35.

NOES—None.

Title read and approved.

Senate Bill No. 185—An Act to provide for the classification of municipal corporations.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cross, Del Valle, Dougherty, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kellogg, Lynch, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—30.

NOES—None.

Title read and approved.

## SPECIAL ORDERS.

Senate Bills Nos. 181, 170, 183, and 192, relating to fish and game, passed on file.

## INTRODUCTION OF A BILL—(OUT OF ORDER).

By Mr. Baldwin: Senate Bill No. 375—An Act defining and imposing certain duties on the Board of Directors, Board of Trustees, or other governing body, officers, and employes of insane asylums, controlled exclusively by the State, and regulating the manner of providing supplies for the insane therein.

Referred to Judiciary Committee.

## MEMORIAL—(OUT OF ORDER).

By Mr. Baldwin: A memorial to Congress in behalf of the settlers on the Rancho Moquelumnos.

Referred to Committee on Federal Relations.

Mr. Harrigan gave notice that, on to-morrow, he would move a reconsideration of the vote whereby the consideration of the Governor's message, relative to appointments, was postponed until Thursday.

Mr. Cross moved that the Senate proceed to the consideration of the general file.

Lost.

## SPECIAL ORDERS.

Consideration of majority and minority opinions of Judiciary Committee, concerning the Regents of the State University.

Mr. Cross moved to indefinitely postpone further consideration of these reports.

After debate, the ayes and noes were demanded on this motion by Senators Filcher, Cross, and Spencer of Napa.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Buck, Cox, Cross, English, Filcher, Kelly of San Francisco, Nelson, Reynolds, Spencer of Napa, and Taylor—10.

NOES—Messrs. Brooks, Chandler, Cronan, Del Valle, Dougherty, Foster, Fraser, Harrigan, Johnson, Keating, Kellogg, Knight, Langford, Lynch, McCarthy, McClure, Perry, Reddy, Routier, Ryan, Spencer of Stanislaus, Vrooman, Wallis, Whitney, and Wolfskill—25.

The question occurring on the adoption of the report of the committee as amended, by the insertion of the word "minority," in lieu of "majority," the ayes and noes were demanded by Senators McClure, Vrooman, and Filcher.

Roll called, with the following result:

AYES—Messrs. Buck, Cross, English, Filcher, Foster, Kelly of San Francisco, Knight, Lynch, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, and Wolfskill—14.

NOES—Messrs. Brooks, Cox, Cronan, Del Valle, Dougherty, Fraser, Harrigan, Johnson, Kellogg, Langford, McCarthy, McClure, Nelson, Perry, Reddy, Routier, Vrooman, Wallis, and Whitney—20.

Lost.

Mr. Kellogg moved to adjourn.

Prior to the taking of the vote, Mr. Del Valle gave notice that on

to-morrow he should move for a reconsideration of the vote whereby this report was refused adoption.

Roll-call demanded on the motion to adjourn, by Senators Reynolds, Ryan, and English.

Roll called, and the Senate refused to adjourn by the following vote:

AYES—Messrs. Keating and McCarthy—2.

NOES—Messrs. Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, English, Filcher, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Langford, Lynch, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—28.

#### GENERAL FILE—FIRST READING.

Senate Bill No. 299—An Act to prevent discriminations by gas companies in the State of California.

Read first time, and placed on file for second reading.

Assembly Bill No. 78—An Act to amend sections three hundred and twelve and three hundred and fifteen of the Civil Code, in relation to elections held or votes had for any purpose by corporations.

Read first time, and placed on file for second reading.

Assembly Bill No. 189—An Act to amend section five hundred and ninety-nine of the Civil Code of the State of California, relating to corporations.

Read first time, and placed on file for second reading.

Assembly Bill No. 247—An Act to authorize and empower the State Board of Harbor Commissioners to adjust and pay the claim of Daniel McNeil.

Read first time, and placed on file for second reading.

Senate Bill No. 310—An Act to amend section two thousand five hundred and fifty-eight of the Civil Code, relating to void insurance policies.

First reading refused.

Senate Bill No. 311—An Act to amend section two thousand five hundred and sixty-two of the Civil Code, relating to an intentional concealment.

First reading refused.

Senate Bill No. 313—An Act to amend section two thousand five hundred and ninety-three of the Civil Code, relating to the transfer of property insured, and the transfer of the policy issued upon such insurance.

Read first time, and placed on file for second reading.

Senate Bill No. 314—An Act to amend section two thousand five hundred and ninety-six of the Civil Code, relating to valued policies of insurance.

Read first time, and placed on file for second reading.

Senate Bill No. 315—An Act to amend section two thousand six hundred and eighteen of the Civil Code, relating to canceling a policy of insurance, and a repayment to the insured of a certain proportion of the premium in certain cases.

Read first time, and placed on file for second reading.

Senate Bill No. 316—An Act to amend section two thousand six hundred and thirty-three of the Civil Code, relating to the exonerating of the insurer in case of loss.

First reading refused.



Senate Bill No. 317—An Act to amend section two thousand six hundred and thirty-four of the Civil Code, relating to proof required of a loss by the insured.

Read first time, and placed on file for second reading.

Senate Bill No. 319—An Act to amend section two thousand five hundred and eighty-three of the Civil Code, relating to the time when a right to rescind a contract of insurance shall be required.

Upon the question: "Shall this bill be read the first time?" the ayes and noes were demanded, roll called, and the bill ordered read by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Filcher, Foster, Fraser, Johnson, Keating, Kelly of San Francisco, Knight, McCarthy, McClure, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Wallis, and Whitney—21.

NOES—Messrs. Buck, Langford, Spencer of Stanislaus, Taylor, and Vrooman—5.

Senate Bill No. 319, read first time, and placed on file for second reading.

Senate Bill No. 235—An Act in relation to the inspection of steam boilers in the State of California.

Read first time, and placed on file for second reading.

#### REPORTS OF COMMITTEES—(OUT OF ORDER).

##### ON RULES.

SENATE CHAMBER, SACRAMENTO, February 23, 1883.

MR. PRESIDENT: The Committee on Rules have had under consideration the following resolution, and recommend its passage:

*Resolved*, That Rule Seven be amended as follows: After the "General Street Bills," insert "State Appropriation Bills," so that Rule Seven shall read as follows:

##### RULE VII.—THE GENERAL AND SPECIAL FILES—THEIR HOURS—SPECIAL ORDER OF BILLS ON FILE.

The Secretary shall, from time to time, make up a file, to be known as the Special File, on which he shall place the General Appropriation Bill, the Tax Levy Bills, the Apportionment Bills, the General County and Township Government Bills, the General Municipal Corporation Bills, the general Road and Highway Bills, the general Street Bills, for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and for the construction of sewers therein in municipalities, State Appropriation Bills, bills proposing amendments to the Constitution, and shall have precedence in the order named in this resolution, and he shall place no other bills thereon. Said Special File shall be considered in the Order of Business, as prescribed in Rule Five, under the head of Special Orders of the Day, until the business on said file shall be finally disposed of.

If there be no bills on the Special File, then the General File shall be the Special Order for each day from two o'clock until three o'clock and thirty minutes P. M., unless sooner disposed of. But no bill shall lose its place upon the file by expiration of the time, or by adjournment of the Senate, while it is under consideration—and this order shall take precedence of all others except the Special File.

LANGFORD, Chairman.

Adopted.

##### ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, February 23, 1883.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 233, beg leave to report that they have carefully considered the same, and recommend that it do pass as amended.

KELLEY, Chairman.

##### ADJOURNMENT.

At five o'clock and thirty minutes P. M., on motion, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Saturday, February 24, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Stanislaus, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of yesterday read and approved.

Mr. Harrigan moved to reconsider the vote whereby the consideration of the Governor's message relative to appointments was made a special order for Thursday, March first, eighteen hundred and eighty-three.

Mr. Taylor moved to lay this motion on the table.

Ayes and noes demanded on this motion by Senators McClure, Perry, and Harrigan.

Roll called, with the following result:

AYES—Messrs. Baldwin, Cox, Cross, Del Valle, English, Filcher, Foster, Johnson, Knight, Langford, Reddy, Reynolds, Spencer of Stanislaus, Taylor, and Wolfskill—15.

NOES—Messrs. Brooks, Buck, Chandler, Cronan, Dougherty, Fraser, Harrigan, Keating, Kelley of Solano, Kellogg, McCarthy, McClure, Nelson, Perry, Routier, Vrooman, Wallis, and Whitney—18.

Lost.

Ayes and noes demanded on the original motion, by Senators Taylor, McClure, and Vrooman.

Roll called, and the motion to reconsider lost by the following vote:

AYES—Messrs. Chandler, Cronan, Dougherty, Fraser, Harrigan, Keating, Kelley of Solano, Kellogg, McCarthy, McClure, Nelson, Perry, Routier, Vrooman, Wallis, and Whitney—16.

NOES—Messrs. Baldwin, Brooks, Buck, Cox, Cross, Del Valle, English, Filcher, Foster, Johnson, Knight, Langford, Lynch, Maddox, Reddy, Reynolds, Spencer of Stanislaus, Taylor, and Wolfskill—19.

## REPORTS OF COMMITTEES.

## ON CITY, CITY AND COUNTY, AND TOWN GOVERNMENTS.

SENATE CHAMBER, SACRAMENTO, February 24, 1883.

MR. PRESIDENT: Your Committee on City, City and County, and Town Governments, to whom was referred Senate Bill No. 137, have had the same under consideration, report it back, and recommend that it do not pass, as the same is provided for by Senate Bill No. 50.

Also, do report back Senate Bill No. 225—and recommend that it do not pass.

Also, Assembly Bill No. 201—and recommend that it do pass as amended.

Also, do report back a petition from citizens of Alameda County, said petition having been granted by the passage of Senate Bill No. 50.

Also, a petition of sundry taxpayers, in respect to levying a tax for public libraries and reading rooms, the same being already covered by a general law, entitled "An Act to establish and maintain free public libraries and reading rooms," approved March 18, 1878.

JOHNSON, Chairman.

In accordance with verbal report of the Chairman of the Committee

on City, City and County, and Town Governments, Senate Bill No. 92 was referred to the Committee on Counties, County Governments, and Township Organization.

SPECIAL FILE—(FIRST READING).

Senate Bill No. 155—An Act to amend section four (4) of article eleven (11) of the Constitution of the State of California.

Read first time, and placed on file for second reading.

Assembly Bill No. 288—An Act providing the manner and time of submitting proposed amendments to the Constitution of the State of California to the people.

Read first time, and placed on file for second reading.

Senate Bill No. 338—An Act to provide for the erection of a building for the insane at the State Asylum at Stockton, and for the improvement of the drainage and water supply thereof.

Read first time, and placed on file for second reading.

Assembly Bill No. 310—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880.

Read first time, and placed on file for second reading.

Senate Bill No. 348—An Act to appropriate money for the construction and completion of roads and trails, and generally to improve and preserve the territory within the limits of the Yosemite Valley and Mariposa Big Tree Grant.

Read first time, and placed on file for second reading.

Senate Bill No. 352—An Act to appropriate money for the improvement of the water supply for the Deaf and Dumb and Blind Asylum.

Mr. McClure moved a call of the Senate.

Lost.

Ayes and noes demanded on the question: "Shall the bill be read the first time?"

Roll called, with the following result:

AYES—Messrs. Baldwin, Buck, Chandler, Cox, Cross, Dougherty, English, Fraser, Harrigan, Johnson, Keating, Kelley of Solano, Kellogg, Knight, Langford, Perry, Reddy, Routier, Ryan, Taylor, Vrooman, Wallis, and Whitney—23.

NOES—Messrs. Fileher, Lynch, Maddox, McClure, Reynolds, and Wolfskill—6.

So ordered.

Read first time, and placed on file for second reading.

Senate Bill No. 356—An Act for the appropriation of money for the erection of buildings and improvements and the purchase of land for the Napa State Asylum for the Insane.

Read first time, and placed on file for second reading.

Senate Bill No. 365—An Act to appropriate money for the repair of the roof of the Capitol, for the plumbing, painting, renovating, and ventilating of the State Capitol.

Read first time, and placed on file for second reading.

Senate Bill No. 295—An Act to secure a representation of the resources and industries of California at the Amsterdam International Exhibition, and provide for the expenses thereof.

Ayes and noes demanded on the question, "Shall this bill be read the first time?" by Senators Perry, Wallis, and McClure.

Roll called, with the following result:

AYES—Messrs. Baldwin, Chandler, Cox, Cross, Dougherty, English, Harrigan, Johnson, Keating, Lynch, McCarthy, Perry, Routier, Ryan, Vrooman, Wallis, and Whitney—17.  
 NOES—Messrs. Fileher, Kellogg, Knight, Maddox, McClure, Reddy, Reynolds, and Wolfskill—8.

So ordered.

Read first time, and placed on file for second reading.

Senate Bill No. 309—An Act to appropriate the sum of two thousand five hundred dollars for the purpose of assisting the Home for Aged and Infirm Females, situated on Rincon Hill, San Francisco.

Read first time, and placed on file for second reading.

Senate Bill No. 301—Passed on file.

Senate Bill No. 396—An Act to provide for the payment of the per diem of the members and attachés of the Constitutional Convention.

Upon the question: "Shall the bill be read the first time?" the ayes and noes were demanded.

Roll called, with the following result:

AYES—Messrs. Chandler, Cox, Cross, Dougherty, English, Filcher, Harrigan, Keating, Perry, Reddy, Routier, Ryan, Spence of Stanislaus, Vrooman, and Wallis—15.

NOES—Messrs. Baldwin, Buck, Foster, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Reynolds, Whitney, and Wolfskill—12.

So ordered.

Senate Bill No. 287—An Act to appropriate money for the purchase of calligraphs for the use of teachers and students residing at the Asylum for the Deaf, Dumb, and Blind.

First reading refused.

Vote by which first reading of the bill was refused, on motion of Mr. Knight, was reconsidered.

Bill read first time, and placed on file for second reading.

Assembly Bill No. 243—An Act making appropriations to pay deficiencies in the appropriations for the support of the government for the thirty-fourth fiscal year.

Read first time, and placed on file for second reading.

Senate Bill No. 297—Passed on file.

Senate Bill No. 333—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-second fiscal year.

Read first time, and placed on file for second reading.

Senate Bill No. 334—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-third fiscal year.

Read first time, and placed on file for second reading.

Senate Bill No. 335—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-fourth fiscal year.

Read first time, and placed on file for second reading.

Senate Bill No. 368—An Act making appropriation to pay deficiency in the appropriation for repairs to State Capitol building, and furniture and purchase of carpets, for the thirty-fourth fiscal year.

Read first time, and placed on file for second reading.

#### SECOND READING.

Senate Bills Nos. 90, 65, and 64—Passed on file.

Senate Bill No. 131—An Act to appropriate money for the support



of aged and indigent persons residing in the home of the Veterans' Home Association.

Read second time, amendment of the committee to the title rejected, and the other amendments of the committee adopted.

Title amended so as to read as follows: "An Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association."

The bill as amended ordered engrossed.

#### CONSIDERATION OF BILLS—(OUT OF ORDER).

Mr. Dougherty moved that Senate Bill No. 132 be taken up out of order and considered.

Carried.

Senate Bill No. 132—An Act entitled "An Act to grant the Boards of Health in cities and counties the power to regulate the plumbing and drainage of buildings."

Read second time, amended by striking out in section five, line seven, all after the word "exists," and the bill as amended ordered engrossed.

Mr. Reddy moved that Senate Bill No. 112 be taken up out of order and considered.

Carried.

Senate Bill No. 112—An Act for the relief of James Saultry, for personal injuries received by him while in the service of the State.

Read second time, and ordered engrossed.

#### SPECIAL FILE—(RESUMED).

Assembly Bill No. 30—An Act to create and maintain a Bureau of Labor Statistics.

Read second time, and placed on file for third reading.

Senate Bill No. 47—Withdrawn by the author, Mr. Vrooman.

Assembly Bill No. 158—An Act to authorize the erection of a State agricultural and industrial exhibition building on the State Capitol grounds and to appropriate money therefor.

Read second time.

Mr. Kellogg moved to amend section six by adding the following: "No person not eligible to become a citizen of the United States shall be employed in any capacity upon said work."

Ayes and noes demanded by Senators Kellogg, Vrooman, and Cross.

Roll called, and the amendment adopted by the following vote:

AYES—Messrs. Baldwin, Cross, Del Valle, Filcher, Foster, Johnson, Kelly of San Francisco, McCarthy, Nelson, Reddy, Reynolds, Ryan, Vrooman, Wallis, Whitney, and Wolfskill—15.

NOES—Messrs. Chandler, Cox, Dougherty, English, Harrigan, Kellogg, Knight, Lynch, Maddox, McClure, Perry, Routier, Spencer of Napa, Spencer of Stanislaus, and Taylor—13.

Mr. Maddox moved to amend section seven (the enacting clause), by inserting after the word "immediately," the words "May fifteenth, eighteen hundred and eighty-four."

Lost.

Mr. Vrooman moved to reconsider the vote by which the amendment to section six was adopted.

After debate, the ayes and noes were demanded on the motion, by Senators Kellogg, Perry, and Nelson.



Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Dougherty, English, Foster, Harrigan, Johnson, Keating, Knight, Maddox, McCarthy, McClure, Perry, Reddy, Routier, Spencer of Napa, Spencer of Stanislaus, Taylor, Vrooman, Wallis, and Whitney—24.

NOES—Messrs. Cross, Del Valle, Filcher, Kellogg, Lynch, Nelson, Reynolds, Ryan, and Wolfskill—9.

Pending the debate, on motion of Mr. Chandler, the hour of recess was extended until this bill was disposed of.

The question recurring on the amendment, it was lost.

Bill placed on file for third reading.

At twelve o'clock and forty-five minutes P. M., the President declared a recess.

#### REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Buck, Chandler, Del Valle, English, Filcher, Johnson, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Perry, Reynolds, Ryan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Mr. Chandler: Senate Bill No. 376—An Act to ascertain the sum due on all claims for work done and materials furnished under the provisions of an Act entitled "An Act to promote drainage," approved April 23, 1880, and to appropriate money to pay the same, not exceeding two hundred and seventy-five thousand dollars.

Referred to Committee on Claims.

By Mr. McCarthy: Senate Bill No. 377—An Act to amend section six hundred and thirty-six of the Penal Code.

Referred to Committee on Fish and Game.

Also, Senate Bill No. 378—An Act to amend section six hundred and thirty-six of an Act entitled "An Act to establish a Penal Code," approved March 2, 1881.

Referred to Committee on Fish and Game.

Also, Senate Bill No. 379—An Act to amend and confer further power on the State Board of Health.

Referred to Committee on Hospitals.

By Mr. Knight: Senate Bill No. 380—An Act to amend an Act entitled "An Act supplemental to and amendatory of an Act to regulate the practice of medicine in the State of California," approved April 3, 1876, approved April 1, 1878.

Referred to Committee on Hospitals.

By Committee on Hospitals: An Act to authorize the establishment of a quarantine station for the harbor of San Francisco.

Placed on file.

By Mr. Maddox: Senate Bill No. 382—An Act to amend sections two thousand two hundred and thirty-eight and two thousand two hundred and forty of an Act entitled "An Act to establish a Polit-

ical Code," approved March 12, 1872, in relation to the admission of pupils to the Deaf, Dumb, and Blind Asylum.

Referred to Judiciary Committee.

Also, Senate Bill No. 383—An Act to add a new section, numbered four hundred and forty-four, to an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the payment to the State Treasurer, by Boards of Directors, Trustees, or Managers, or the Treasurer of such Boards, of the money received for the care of persons within institutions, schools, or asylums supported by the State.

Referred to Judiciary Committee.

By Mr. Lynch (by request): Senate Bill No. 384—An Act to establish a simple, speedy, and inexpensive system of procedure in civil cases.

Referred to Judiciary Committee.

By Mr. Perry (by request): Senate Bill No. 385—An Act to amend section six of an Act entitled "An Act supplemental to and amendatory of an Act entitled 'An Act to regulate the practice of medicine in the State of California,'" approved April 3, 1876, passed April 1, 1878.

Referred to Committee on Hospitals.

## REPORTS OF COMMITTEES—(OUT OF ORDER).

### ON ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 23, 1893.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred amended Senate Concurrent Resolution No. 5, have examined the same, and find it properly engrossed.

NELSON, Chairman.

### ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 24, 1893.

MR. PRESIDENT: Your Committee on Hospitals have had under consideration the Governor's message in relation to establishing a quarantine, and respectfully report the same back, with the recommendation that the accompanying bill be passed.

KNIGHT, Chairman.

### ON YOSEMITE PARK AND BIG TREE GROVE.

SENATE CHAMBER, SACRAMENTO, February 24, 1893.

MR. PRESIDENT: The Committee on Yosemite Valley and Mariposa Big Trees, to whom was referred Assembly Concurrent Resolution No. 31—Relative to the appointment of a Commission to inquire into and report a plan for the preservation of the forests on the California shore of Lake Bigler—have had the same under consideration, and report the same back, and recommend that it do pass.

J. D. SPENCER.  
F. T. BALDWIN.  
FREDERICK COX.  
C. D. REYNOLDS.  
HENRY VROOMAN.

Adopted.

## RESOLUTIONS—(OUT OF ORDER).

By Mr. Ryan:

*Resolved*, That the Senate hold evening sessions, commencing Monday, February twenty-sixth, and continue during the remainder of the week. Said evening session shall commence at seven o'clock and thirty minutes P. M.

Adopted.

By Mr. Kellogg:

WHEREAS, The Constitution of the State of California declares that eight hours shall constitute a legal day's labor on public work; and whereas, Henry Helm, Day Watchman, and Frank Cavagnero, Night Watchman of the Senate, have worked twelve hours each day since their appointment;

*Resolved*, That the State Controller be and is hereby authorized to draw his warrant upon the Contingent Fund of the Senate in favor of said Night Watchman and Day Watchman, at the rate of one dollar each per day from the date of their appointment.

On the question: "Shall this resolution be referred to the Committee on Contingent Expenses and Mileage?" the ayes and noes were demanded by Senators Taylor, Reynolds, and Spencer of Stanislaus.

Roll called, and the motion to refer lost by the following vote:

AYES—Messrs. Baldwin, Cox, Cross, Del Valle, Filcher, Kelly of San Francisco, Lynch, Maddox, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, and Wallis—14.

NOES—Messrs. Brooks, Buck, Chandler, English, Harrigan, Johnson, Kellogg, Knight, McCarthy, McClure, Nelson, Perry, Reddy, Routier, Vrooman, Whitney, and Wolfskill—17.

The question then recurring on the adoption of the resolution, the ayes and noes were demanded by Senators Filcher, Maddox, and Spencer of Stanislaus.

Roll called, and the resolution adopted by the following vote:

AYES—Messrs. Brooks, Buck, Chandler, Del Valle, English, Harrigan, Johnson, Kelly of San Francisco, Kellogg, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Vrooman, Wallis, and Whitney—21.

NOES—Messrs. Baldwin, Cross, Filcher, Knight, Lynch, Maddox, Spencer of Stanislaus, Taylor, and Wolfskill—9.

#### RECONSIDERATION.

Mr. Del Valle moved to reconsider the vote whereby the amended report of the Judiciary Committee concerning the Regents of the University was refused adoption.

Ayes and noes demanded on this motion by Senators Del Valle, Spencer of Napa, and English.

Roll called, with the following result:

AYES—Messrs. Buck, Cox, Del Valle, English, Filcher, Foster, Harrigan, Keating, Kelly of San Francisco, Knight, Lynch, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, and Wolfskill—17.

NOES—Messrs. Baldwin, Brooks, Chandler, Cross, Johnson, Kellogg, McCarthy, McClure, Nelson, Perry, Reddy, Routier, Vrooman, Wallis, and Whitney—15.

The question then recurring on the adoption of the amended report, the ayes and noes were demanded by Senators Vrooman, McClure, and Spencer of Napa.

Roll called, and the report adopted by the following vote:

AYES—Messrs. Buck, Cox, Cross, Del Valle, English, Filcher, Foster, Harrigan, Keating, Kelly of San Francisco, Knight, Lynch, Maddox, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, and Wolfskill—19.

NOES—Messrs. Baldwin, Brooks, Chandler, Johnson, Kellogg, McCarthy, McClure, Nelson, Perry, Reddy, Routier, Vrooman, Wallis, and Whitney—14.

Mr. Cross moved that the subject of the confirmation of the Governor's appointments for Regents of the University be made a special order for Monday, February twenty-sixth, eighteen hundred and eighty-three, at two o'clock p. m.

Carried.

## REPORT OF A COMMITTEE—(OUT OF ORDER).

## ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 24, 1883.

MR. PRESIDENT: Your Committee on Hospitals have had under consideration Senate Bill No. 358—An Act to appropriate money for the support of aged persons in indigent circumstances—and respectfully report the same back, with an amendment, and a recommendation that it pass.

We have also had under consideration Senate Bill No. 380—An Act to amend an Act entitled "An Act supplemental to and amendatory of an Act to regulate the practice of medicine"—and refer the same back, with a recommendation that it pass.

Also, Assembly Bill No. 67—An Act to amend the law relating to persons of unsound mind—and report the same back, with a recommendation that it pass.

KNIGHT, Chairman.

## SPECIAL FILE—(FIRST READING).

Senate Bill No. 297—"An Act appropriating money for the establishment of a system of sewerage for the Deaf, Dumb, and Blind Asylum of this State, and the State University."

Read first time, and placed on file for second reading.

## SECOND READING.

Senate Bill No. 68—An Act to promote and encourage the development of the mineral resources of the State of California and for the support of the Mining Bureau.

Read second time, title amended so as to read: "An Act to appropriate money for the support of the Mining Bureau, and to repeal all Acts and parts of Acts inconsistent therewith."

Amendments to the bill by the committee adopted, and the bill as amended ordered engrossed.

Senate Bill No. 160—An Act making an appropriation of fifteen thousand dollars for the protection and improvement of the buildings and grounds of the State University.

Read second time, amendments of the committee adopted, and the bill ordered engrossed.

Senate Bill No. 327—An Act to amend an Act entitled "An Act to provide for the future management of the Napa State Asylum for the Insane," approved March 6, 1876.

Read second time, and passed on file.

## LEAVE OF ABSENCE.

Senators Langford, Fraser, Cronan, and Sullivan, granted indefinite leave of absence.

Senator Brooks granted leave of absence for three days.

## MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, February 24, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 48—Relative to the contest now existing between the Los Bolsas land grant and two hundred settlers claiming under the Rancho Santiago de Santa Ana, as to the boundaries between said grants.

Adopted.

Also, Assembly Concurrent Resolution No. 49—Relative to the contest now existing between

the Board of Supervisors of the City and County of San Francisco and the Spring Valley Water Company of said county and city.

### Referred to Judiciary Committee.

Also, Assembly Bill No. 159--An Act to add a new section to the Code of Civil Procedure, to be known as section three hundred and twenty-nine, relative to the commencement of actions in this State for the purpose of restraining the assessment and collection of taxes and questioning the validity or legality of any tax.

### Referred to Judiciary Committee.

Also, Assembly Bill No. 130--An Act to divide the State into Senatorial Districts, and to provide for the election of Senators therein.

M. C. HALEY, Chief Clerk.

On motion of Mr. Del Valle, Assembly Bill No. 130 was placed on the special file for first reading.

### REPORTS OF COMMITTEES--(OUT OF ORDER).

#### ON ENGROSSMENT.

SENATE CHAMBER, February 24, 1883.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred Senate Bills Nos. 30, 112, and 132, have examined the same, and find them properly engrossed.

NELSON, Chairman.

#### ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, February 24, 1883.

MR. PRESIDENT: Your committee to whom was referred the following resolution:

*Resolved*, That L. W. Buck be and he hereby is allowed, out of the Contingent Fund of the Senate, his per diem as Senator from the Nineteenth Senatorial District for forty-one days, and his mileage from the county seat of Solano County, and the Controller be and he is hereby directed to draw his warrant in favor of said Buck for said per diem and mileage.

Have had the same under consideration, and recommend its passage.

MADDOX, Chairman.

### Adopted.

#### ON HOSPITALS.

MR. PRESIDENT: Your Committee on Hospitals and Asylums beg leave to submit the following report:

In the discharge of our duties, we have visited and made a careful inspection of the most important eleemosynary institutions of the State. Your committee met at Stockton, on the afternoon of January twenty-third, eighteen hundred and eighty-three, and immediately proceeded to make a careful examination of the entire premises of the Asylum for the Insane, which is under the management of G. A. Shurtleff, M. D., Medical Superintendent, assisted by W. T. Brown, M. D., and W. R. Langdon, M. D. We first visited the buildings occupied by the female patients, and do not hesitate to pronounce it admirably adapted for the purpose. We found every department scrupulously neat and clean, and its management is not only a credit to the officers in charge, but to the State as well.

Your committee next visited the male department. A few of the wards are in an unsatisfactory condition, which, however, is not due to any fault or neglect of the management, but rather to the lack of suitable quarters for the patients. In eighteen hundred and eighty the Legislature appropriated eighty-five thousand dollars for the purpose of erecting an additional building to this asylum. The design of this appropriation was not so much for the purpose of providing more room, but of substituting a more comfortable and healthy building for the low, dingy, and unhealthy brick building in which some of the patients were then crowded. This one-story brick building has been torn away, and in its stead is a handsome brick structure, three stories in height, well lighted, well ventilated, and furnished with every convenience and appliance necessary for the comfort and treatment of the patients. Adjoining this new brick building is a wooden structure, that does not afford suitable accommodations for the patients confined therein. It is not only uncomfortable and inconvenient, but it increases the danger of fire. We therefore recommend that the new brick building be extended to take the place of the wooden building.

The books of the institution are well kept, and a careful investigation shows that the Board of



Directors have kept the expenditures of the respective departments within the respective sums appropriated therefor.

The patients are well fed, comfortably clothed, and patiently cared for, and the appropriations asked for by the Board of Directors are, in our opinion, reasonable and necessary.

#### THE ASYLUM FOR THE INSANE AT NAPA.

This asylum is under the charge of E. T. Wilkins, M. D., Medical Superintendent, assisted by L. F. Dozier, M. D., and F. W. Hatch, Jr., M. D., Resident Physicians.

The books of the Secretary are in good condition, and the accounts of each department are concisely and methodically kept.

Some of the wards are apparently overcrowded, but we nevertheless found them in a cleanly condition. The tables are well supplied with good, wholesome food, and the patients are well clothed, and they are given every care necessary to their health and comfort.

Under the supervision and direction of the Resident Physician, the lands surrounding the institution and belonging to the State are being beautified and improved. Lands are being cleared up, roads constructed, bridges built, vines and trees planted, and many other improvements made—all of which tend to relieve the State of a part of the burden, and increase the revenues of the institution. In accomplishing this result the labor of the patients is utilized.

The Asylums for the Insane are both overcrowded, and the fact that the increase of the patients for the two fiscal years ending June thirtieth, eighteen hundred and eighty-two, has been three hundred and thirty-three for the Napa Asylum alone, is grave cause for solicitude and anxiety. It has been suggested that this overcrowded condition is mainly due to the fact that many commitments are made in violation of the law, which prohibits the admission of cases of idiocy, imbecility, harmless, chronic mental unsoundness, or acute mania a potu; and it has been further suggested that this class of patients be returned to counties from whence they were committed as proper subjects for the county hospitals or almshouses; but as such cases are to be supported directly by the people, we cannot see any pecuniary advantage to be derived by taking them from the State institutions and making them a county charge.

The Board of Directors also recommend, that an appropriation be made for the purchase of a narrow strip of land, fifty yards wide, and embracing an area of about three acres, lying between the railroad and Napa River, and that a wharf be erected on the river bank to receive bulky freight, especially coal. It is claimed that this wharf will reduce the cost of getting coal to the Asylum some two thousand dollars per annum. We believe that in the interests of economy the appropriation should be made, as also the appropriations asked for stables, hay barn, cow house, etc.

#### ORPHAN ASYLUMS.

With a view of ascertaining the exact condition of the various orphan asylums that are now receiving State aid, your committee visited the Good Templars' Home for Orphans at Vallejo, the Pajaro Male Orphan Asylum, St. Vincent's Female Orphan Asylum at Petaluma, the San Francisco Roman Catholic Female Orphan Asylum, St. Joseph's Infant Orphan Asylum at San Francisco, San Juan Orphan Asylum, St. Vincent Male Orphan Asylum at San Rafael, the Ladies' Protective and Relief Society, Santa Cruz Female Orphan Asylum, Home of Benevolence at San José, and San Francisco Protestant Orphan Asylum, the Los Angeles Orphan Asylum, and the Los Angeles Home for Orphans. We find that, in round numbers, the cost to the State of maintaining these institutions reaches the sum of one hundred thousand dollars per annum. The books of these various institutions are well kept, and, from the hasty examination that we gave them, we are satisfied that their reports are properly made out, and that the claims presented by the managers are lawful. The children appear to be healthy and well cared for, and the institutions are under good management and discipline. The food is good and wholesome, the interior of the buildings are scrupulously clean, and the dormitories and school-rooms are generally well appointed and ventilated. We are fully satisfied that the State is doing a wise and benevolent act in caring for the orphans, and that the amount appropriated by law is reasonable and necessary.

KNIGHT, Chairman.

#### ON FEDERAL RELATIONS.

SENATE CHAMBER, February 24, 1883.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Assembly Concurrent Resolution No. 39—Relative to restoring to the public domain lapsed land grants to aid in the construction of railroads—have had the same under consideration, and now report the same back, without recommendation.

Also, Assembly Concurrent Resolution No. 43—Relative to the law now introduced in Congress for the relief of the settlers on the Moquelumnos grant, in this State—now report the same back, and recommend its passage.

Also, Senate Concurrent Resolution No. 11—Relative to requesting our Senators and Representatives in Congress to use their influence in favor of the enactment of a law authorizing the State of California to purchase certain lands from the United States—now report the same back, and recommend its passage.

Also, Senate Concurrent Resolution No. 13—Relative to bills now pending in the Congress of the United States, having for their object the transfer of the revenue cutter service from the

Treasury to the Navy Departments, and the establishment of a Bureau of Mercantile Marine—now report the same back, and recommend its passage.

BALDWIN, Chairman.

Senate Concurrent Resolution No. 13 adopted.

#### INTRODUCTION OF A BILL—(OUT OF ORDER).

By Mr. Whitney: Senate Bill No. 386—An Act to amend an Act entitled "An Act supplemental to and amendatory of an Act entitled 'An Act to regulate the practice of medicine in the State of California,'" approved April 3, 1876, approved April 1, 1878.

Referred to Committee on Hospitals.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Cross: Senate Concurrent Resolution No. 19:

*Resolved by the Senate, the Assembly concurring:*

WHEREAS, There are about one thousand copies of the debates of the Constitutional Convention in the Secretary of State's office which are unsalable;

*Resolved,* That each member of the Constitutional Convention of eighteen hundred and seventy-eight-seventy-nine be authorized to demand and receive from the Secretary of State one copy of said debates.

Adopted.

On motion of Mr. Vrooman, the substitute for Senate Bill No. 348 was ordered printed.

On motion of Mr. Kellogg, the name of J. M. Brooks was added to the Judiciary Committee.

#### SPECIAL FILE—(RESUMED).

Senate Bill No. 279—An Act making an appropriation for a deficiency in the appropriation for postage and expressage in the office of Superintendent of Public Instruction for the thirty-third fiscal year.

Read second time, and ordered engrossed.

Senate Bill No. 280—An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-third fiscal year.

Read second time, and ordered engrossed.

Senate Bill No. 281—An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-second fiscal year.

Read second time, and ordered engrossed.

#### CONSIDERATION OF BILLS—(OUT OF ORDER).

Mr. Baldwin moved to take up and consider Senate Bill No. 120 out of order.

Carried.

Senate Bill No. 120—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as section three thousand eight hundred and seventeen, relating to revenue and the collection of property taxes and redemption from sales therefor.

Read second time, amendments of the committee adopted, and the bill ordered engrossed.

Mr. Taylor moved to take up and consider Senate Bill No. 211 out of order.

Carried.

Senate Bill No. 211—An Act fixing jurisdiction and providing compensation for Justices of the Peace in cities and towns.

Read second time, and ordered engrossed.

#### ADJOURNMENT.

At three o'clock and fifty minutes P. M., on motion of Mr. Baldwin, the Senate adjourned.

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#### IN SENATE.

SENATE CHAMBER,  
Monday, February 26, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names :

Messrs. Baldwin, Buck, Chandler, Del Valle, Fileher, Kelly of San Francisco, Kellogg, Lynch, McClure, Murphy, Perry, Reddy, Ryan, Sullivan, Taylor, Vrooman, Wallis, and Whitney.

No quorum.

Mr. Del Valle moved a call of the Senate.

Carried.

Roll called, and the following Senators answered to their names :

Messrs. Baldwin, Buck, Chandler, Del Valle, English, Fileher, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, McCarthy, McClure, Murphy, Perry, Reddy, Routier, Ryan, Sullivan, Taylor, Vrooman, Wallis, and Whitney.

Quorum present.

Leave of absence was granted to Senators Harrigan, Maddox, Spencer of Napa, Cox, and Johnson.

Mr. Ryan moved that further proceedings under the call of the Senate be dispensed with.

Lost.

The Sergeant-at-Arms was furnished a list of absentees, and the doors closed.

Mr. English moved that further proceedings under the call of the Senate be dispensed with.

Lost.

The Sergeant-at-Arms appeared and announced that Senator Reynolds was without, desiring admittance.

On motion, Senator Reynolds was admitted, and afterwards excused.

Mr. Whitney moved that further proceedings under the call of the Senate be dispensed with.

Carried, on a division of the Senate.

Journal of Saturday read and approved.

Pending the reading of the Journal, Senators Foster, Kelley of Solano, Spencer of Napa, Spencer of Stanislaus, Nelson, Maddox, Dougherty, and Cross reported as present.

#### SPECIAL ORDER.

Consideration of the appointments of Regents of the University.

On motion of Mr. Taylor, the consideration of these appointments was postponed until Thursday, March first, eighteen hundred and eighty-three, at two o'clock P. M.

#### PETITIONS.

By Mr. Ryan: A petition from citizens and taxpayers of Del Norte County, remonstrating against the passage of Assembly Bill No. 401.

Referred to Judiciary Committee.

#### REPORTS OF COMMITTEES.

##### ON JUDICIARY.

SENATE CHAMBER, February 26, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration, and do now report back to the Senate, Senate Bill No. 161—Entitled "An Act to amend section one thousand five hundred and eighty-two of 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, relating to parties to civil actions and proceedings in certain cases named, concerning administrators, executors, and persons interested in estates of decedents"—and recommend its passage.

Also, Senate Bill No. 162—Entitled "An Act to amend section three hundred and sixty-nine of 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, relating to parties to civil actions and proceedings who are only necessary parties in certain instances named"—and recommend its passage.

Also, Senate Bill No. 163—Entitled "An Act to amend section one thousand five hundred and eighty-one of the Code of Civil Procedure, relating to the duties and powers of executors and administrators"—and recommend its passage.

Also, Senate Bill No. 171—Entitled "An Act to amend section three thousand three hundred and thirty-six of an Act entitled 'An Act to establish a Civil Code,' approved March 31, 1872, relating to the measure of damages"—and make no recommendation in relation thereto.

Also, Senate Bill No. 173—Entitled "An Act to amend section two hundred and seventy-six of an Act entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, relative to attorneys and counselors at law"—and recommend that it do not pass.

Also, Senate Bill No. 174—Entitled "An Act to amend section three thousand three hundred and eighty-one of an Act entitled 'An Act to establish a Political Code,' approved March 11, 1872, relative to the imposing and collection of licenses"—and recommend that it do not pass.

Also, Senate Bill No. 184—Entitled "An Act in relation to pawnbrokers and pledgees"—and recommend that it do not pass.

Also, Assembly Concurrent Resolution No. 21—Relative to proposed amendments to section nine, article thirteen, of the Constitution—and make no recommendation in relation thereto.

Also, Senate Bill No. 246—Entitled "An Act to amend section five hundred and fourteen of an Act entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the Deputy Superintendent," with an amendment thereto—and recommend that it do not pass.

CROSS, Chairman.

##### ON ENGROSSMENT.

SENATE CHAMBER, February 26, 1883.

MR. PRESIDENT: Your Committee on Engrossment, to whom was referred Senate Bills Nos. 68, 160, 120, 211, 279, 281, 280, 131, and Concurrent Resolutions Nos. 13 and 19—have examined the same, and find them properly engrossed.

NELSON, Chairman.

##### ON HOSPITALS.

SENATE CHAMBER, February 26, 1883.

MR. PRESIDENT: Your committee, to whom was referred Senate Bill No. 336—Entitled "An

Act to provide for the granting of diplomas to persons who have practiced medicine for five years in this State"—have had the same under consideration, and report the same back with a recommendation that it do pass.

KNIGHT, Chairman.

# MESSAGES FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, February 23, 1883. }

*To the honorable the Senate of the State of California :*

MR. PRESIDENT: I herewith transmit to your honorable body a resolution of the State of Nevada, in reference to the sale of silver bullion; and also a resolution from the same State, in reference to the improvement of the navigation of the Colorado River, for such action as you may think proper to take.

GEORGE STONEMAN, Governor.

First resolution referred to the Committee on Mines.

Second resolution referred to the Committee on Commerce and Navigation.

Also, the following :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, CAL., February 26, 1883. }

*To the honorable the Senate of the State of California :*

MR. PRESIDENT: N. Greene Curtis having resigned as Regent of the University of the State of California, I beg leave to withdraw his name from the list now pending for confirmation before your honorable body.

GEORGE STONEMAN, Governor.

Request granted.

Also, the following :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, CAL., February 26, 1883. }

*To the honorable the Senate of the State of California :*

MR. PRESIDENT: Isaac W. Hellman having resigned as Regent of the University of the State of California, I beg leave to withdraw his name from the list now pending for confirmation before your honorable body.

GEORGE STONEMAN, Governor.

Request granted.

Also, the following :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, CAL., February 26, 1883. }

*To the honorable the Senate of the State of California :*

MR. PRESIDENT: Having been requested to withdraw the name of Leland Stanford as Regent of the University, I beg leave to withdraw the name of the said Leland Stanford from the list now pending for confirmation before your honorable body.

GEORGE STONEMAN, Governor.

Request granted.

# RESOLUTIONS—(OUT OF ORDER).

By Mr. Ryan: Senate Concurrent Resolution No. 20—Proposed amendment to the Constitution, amending sections two (2) and twenty-three (23) of article four (4), in relation to the Legislature.

Referred to Judiciary Committee.

Also the following: Senate Concurrent Resolution No. 21 :

*Resolved by the Senate, the Assembly concurring, That the twenty-fifth session of the California Legislature do adjourn sine die on Saturday, the seventeenth day of March, A. D. eighteen hundred and eighty-three, at twelve o'clock P. M.*

Mr. Kellogg moved to lay the resolution on the table.

Ayes and noes demanded by Senators Ryan, Reynolds, and English.



Roll called, and the resolution laid on the table by the following vote:

AYES—Messrs. Baldwin, Buck, Chandler, Cross, Dougherty, Filcher, Kelley of Solano, Kellogg, Knight, Maddox, McClure, Murphy, Routier, Vrooman, Wallis, and Whitney—16.

NOES—Messrs. Del Valle, English, Kelly of San Francisco, Lynch, McCarthy, Nelson, Perry, Reddy, Reynolds, Ryan, Speneer of Napa, Speneer of Stanislaus, Sullivan, and Taylor—14.

So ordered.

#### INTRODUCTION OF BILLS—(OUT OF ORDER).

The following bills were introduced, read by title, and referred to committees:

By Mr. McCarthy (by request): Senate Bill No. 387—An Act to amend an Act entitled "An Act to amend an Act to provide for the formation of corporations for the accumulation and investment of funds and savings," approved April 11, 1862.

Referred to Judiciary Committee.

By Mr. English (by request): Senate Bill No. 388—An Act granting relief to taxpayers whose lands have been sold to the State.

Referred to Committee on Public, Swamp, and Overflowed Lands.

By Mr. Kelley of Solano: Senate Bill No. 389—An Act to amend sections six hundred and thirty-four and six hundred and thirty-six of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to taking fish from the waters of this State.

Referred to Committee on Fish and Game.

Also, Senate Bill No. 390—An Act to confer additional powers on the Board of Railroad Commissioners of the State of California.

Referred to Committee on Corporations.

#### SPECIAL FILE—FIRST READING.

Assembly Bill No. 130—An Act to divide the State into Senatorial Districts and to provide for the election of Senators therein.

Read first time, and placed on file for second reading.

Senate Bill No. 285—An Act to amend sections three thousand six hundred and sixty-four, three thousand six hundred and sixty-five, and three thousand seven hundred and thirty-four, and to add six new sections, to be numbered three thousand six hundred and sixty-six, three thousand six hundred and sixty-seven, three thousand six hundred and sixty-eight, three thousand six hundred and sixty-nine, three thousand six hundred and seventy, and three thousand seven hundred and seventy-one, to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to repeal a portion of section three thousand six hundred and fifty, all relating to revenue, and particularly to the assessment of railways by the State Board of Equalization, and the collection of State and county and city and county taxes due upon such assessment.

Read first time, and placed on file for second reading.

Senate Bill No. 137—By consent withdrawn by the author, Mr. Murphy.

Mr. Kellogg moved to take up Assembly messages.

Carried.

## MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred, with two exceptions, in the amendments made by the Senate to the title and body of Assembly Bill No. 1—Entitled "An Act to repeal chapter two, of title six, of part three of the Political Code, and each and every section of said chapter two, and to enact a new chapter two, of title six, of part three of said Code, and to substitute the same in place of said repealed chapter two in said Code, relating to roads and highways"—and the Assembly requests that your honorable body rescind action as to the following two amendments, to wit: *First*—Article three, section eleven (line twenty-eight, page five, of printed bill); and, *Second*—Article eight, section two thousand seven hundred and thirty-six (line one, page sixteen, of printed bill); and to reinsert in lieu of these two amendments the words "public highways," as contained in the bill when originally passed by the Assembly.

M. C. HALEY, Chief Clerk.

Mr. Kellogg moved that the Senate rescind its action on the amendments as specified above.

Mr. Spenceer of Napa moved to postpone action until to-morrow, immediately after the reading of the Journal.

Lost.

On the motion to rescind, the ayes and noes were called, with the following result:

AYES—Messrs. Baldwin, Buck, Chandler, Cox, Cross, Del Valle, English, Filcher, Foster, Fraser, Kellogg, Knight, Maddox, McClure, Murphy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Vrooman, and Whitney—22.

NOES—Messrs. Dougherty, Keating, Kelly of San Francisco, Kelley of Solano, McCarthy, Nelson, Perry, Reddy, Routier, Taylor, and Wallis—11.

So ordered.

## SPECIAL FILE—(RESUMED).

Senate Bill No. 358—An Act to appropriate money for the support of aged persons in indigent circumstances.

Read first time, and placed on file for second reading.

## SECOND READING.

Senate Bills Nos. 90, 65, and 64 passed on file.

Senate Bill No. 297—"An Act appropriating money for the establishment of a system of sewerage for the Deaf, Dumb, and Blind Asylum of the State and the State University."

After debate, the ayes and noes were demanded on the question: "Shall this bill be read the second time?" by Senators Vrooman, Chandler, and Spencer of Napa.

Roll called, and the second reading refused by the following vote:

AYES—Messrs. Chandler, Del Valle, Keating, McClure, Nelson, Perry, Reddy, Routier, Spencer of Napa, and Whitney—10.

NOES—Messrs. Baldwin, Buck, Cox, Cross, Dougherty, English, Filcher, Foster, Fraser, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Lynch, Maddox, McCarthy, Murphy, Reynolds, Ryan, Sullivan, Taylor, Vrooman, and Wallis—23.

Mr. Vrooman gave notice that, on to-morrow, he would move for a reconsideration of the vote by which this bill was refused a second reading.

Senate Bill No. 327—An Act to amend an Act entitled "An Act to provide for the future management of the Napa State Asylum for the Insane," approved March 6, 1876.

Mr. Taylor moved to lay this bill on the table.

Ayes and noes demanded on this motion by Senators McClure, Vrooman, and English.

Roll called, with the following result:

AYES—Messrs. Buck, Cross, Filcher, Foster, Fraser, Kelley of Solano, Kellogg, Knight, Maddox, Reddy, Reynolds, Routier, Ryan, Spencer of Stanislaus, Sullivan, and Taylor—16.

NOES—Messrs. Baldwin, Chandler, Cox, Cronan, Del Valle, Dougherty, English, Kelly of San Francisco, Lynch, McClure, Murphy, Perry, Spencer of Napa, Vrooman, Wallis, and Whitney—16.

Whereupon the President announced that the vote was a tie, and that he would exercise his constitutional right of casting the deciding vote, by ordering the Secretary to record his vote "aye."

So recorded, and the bill laid on the table.

Senate Bill No. 155—An Act to amend section four (4) of article eleven (11) of the Constitution of the State of California.

Read second time, and placed on file for third reading.

#### SPECIAL ORDER FOR FOUR O'CLOCK P. M.

Consideration of Assembly Concurrent Resolution No. 3—Relative to the revision of the tariff laws.

Mr. Cross moved to lay the resolution on the table.

Carried.

#### CONSIDERATION OF BILLS—(OUT OF ORDER).

Mr. Kellogg moved to take up Senate Bill No. 181 out of order.

Carried.

Senate Bill No. 181—An Act to amend sections six hundred and twenty-six, six hundred and thirty-one, six hundred and thirty-two, six hundred and thirty-four, and six hundred and thirty-six, and to repeal sections six hundred and twenty-seven, six hundred and twenty-eight, and six hundred and twenty-nine of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the preservation of game and fish.

Amended by inserting in subdivision six hundred and thirty-four, line seven, after the word "salmon," the words "or shad." Also, by striking out all after the word "every," in line nine, and inserting the following:

Persons who shall, for the purpose of catching salmon or shad in any of the navigable rivers, streams, or sloughs of the State, fish with or use any seine or net the meshes of which are, when drawn close together and measured longitudinally, less than seven and one half inches, is guilty of a misdemeanor.

Also, by adding a new section, to be known as section nine, as follows:

This Act to take effect on the first day of July, eighteen hundred and eighty-three.

Bill as amended ordered engrossed.

Mr. Fraser gave notice that, on to-morrow, he should move for a reconsideration of the vote by which Senate Bill No. 327 was laid on the table.

Mr. Perry gave notice that, on to-morrow, he should move for a reconsideration of the vote by which Assembly Concurrent Resolution No. 3 was laid on the table.

Mr. Murphy moved to take up Senate Bill No. 211 out of order.  
Carried.

Senate Bill No. 211—An Act fixing jurisdiction and providing compensation for Justices of the Peace in cities and towns.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Filcher, Foster, Fraser, Keating, Kelly of San Francisco, Kellogg, Knight, Maddox, McCarthy, Murphy, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Vrooman, and Whitney—27.

NOES—None.

Title read and approved.

Mr. Sullivan moved to take up Senate Bill No. 288 out of order.

Carried.

Senate Bill No. 288—An Act authorizing and directing the Regents of the University of California to convey certain lands.

Read first time, and placed on file for second reading.

Mr. Reddy moved to take up Senate Bill No. 112 out of order.

Carried.

Senate Bill No. 112—An Act for the relief of James Saultry, for personal injuries received by him while in the service of the State.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Buck, Chandler, Cronan, Del Valle, Dougherty, English, Foster, Fraser, Keating, Kelley of Solano, Kellogg, Knight, McCarthy, McClure, Perry, Reddy, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Vrooman, and Wallis—23.

NOES—Messrs. Filcher, Lynch, Maddox, Reynolds, Sullivan, Taylor, and Whitney—7.

Title read and approved.

Mr. Keating moved to take up Senate Bill No. 247 out of order.

Carried.

Senate Bill No. 247—An Act to authorize and empower the State Board of Harbor Commissioners to adjust and pay the claim of Daniel McNeil.

Read second time, and ordered engrossed.

Mr. Knight moved to take up Senate Bill No. 326 out of order.

Carried.

Senate Bill No. 326—An Act to provide for the disposal of moneys remaining in the building fund of any school district after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings.

Read first time, and placed on file for second reading.

At five o'clock and fifteen minutes P. M. Mr. Kellogg moved to adjourn.

Ayes and noes demanded on the motion by Senators Taylor, Lynch, and Ryan.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Buck, Chandler, Cross, Fraser, Kelley of Solano, Kellogg, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Vrooman, Wallis, and Whitney—15.

NOES—Messrs. Baldwin, Cox, Cronan, Del Valle, Dougherty, English, Filcher, Foster, Keating, Knight, Lynch, Maddox, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, and Taylor—19.

At five o'clock and twenty-five minutes P. M., Mr. Del Valle moved to take a recess until seven o'clock and thirty minutes P. M.

Ayes and noes demanded on this motion by Senators Kellogg, McClure, and Filcher.

Roll called, with the following result:



AYES—Messrs. Baldwin, Cox, Cronan, Del Valle, Dougherty, English, Filcher, Foster, Keating, Knight, Lynch, Maddox, McCarthy, Nelson, Perry, Reynolds, Ryan, Spencer of Stanislaus, Sullivan, and Taylor—20.

NOES—Messrs. Buck, Chandler, Cross, Fraser, Kelley of Solano, Kellogg, McClure, Murphy, Reddy, Routier, Spencer of Napa, Vrooman, Wallis, and Whitney—14.

The President declared a recess.

#### REASSEMBLED.

At seven o'clock and thirty minutes p. m., the Senate reassembled.

Hon. R. F. Del Valle, President pro tem., in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Chandler, Cox, Cronan, Del Valle, English, Filcher, Fraser, Harrigan, Johnson, Kellogg, Knight, Lynch, McClure, Murphy, Perry, Reynolds, Ryan, Spencer of Stanislaus, Taylor, Vrooman, Wallis, and Wolfskill.

Quorum present.

Mr. Vrooman moved a call of the Senate.

Carried.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Chandler, Cox, Cronan, Del Valle, English, Filcher, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McClure, Murphy, Perry, Reynolds, Ryan, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, and Wolfskill.

The Sergeant-at-Arms was furnished a list of absentees, and the doors were closed.

The Sergeant-at-Arms appeared and announced that Senators Kelley of Solano, Foster, Dougherty, and Spencer of Napa were without, desiring admittance.

On motion, the Senators were admitted, and presented their excuses.

Mr. Vrooman moved that the Senators before the bar be fined two dollars and fifty cents each.

Mr. English moved to indefinitely postpone the motion.

Ayes and noes demanded on the motion.

Roll called, and the motion of Mr. English carried by the following vote:

AYES—Messrs. Baldwin, Cox, Del Valle, English, Filcher, Foster, Keating, Kelly of San Francisco, Knight, Lynch, Murphy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, and Wolfskill—17.

NOES—Messrs. Chandler, Cronan, Dougherty, Fraser, Kellogg, Maddox, McClure, Perry, Taylor, Vrooman, and Wallis—11.

Mr. Murphy moved to dispense with further proceedings under the call of the Senate.

Lost.

Mr. Sullivan moved to dispense with further proceedings under the call of the Senate.

Ayes and noes demanded.

Roll called, with the following result:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Del Valle, English, Filcher, Fraser, Kelly of San Francisco, Kellogg, Knight, Lynch, McClure, Murphy, Perry, Reynolds, Ryan, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, and Wolfskill—23.

NOES—Mr. Maddox—1.

Carried.

Mr. Wallis moved to adjourn.



Ayes and noes demanded by Senators Ryan, Knight, and Lynch. Roll called, and the Senate refused to adjourn by the following vote:

AYES—Mr. Wallis—1.

NOES—Messrs. Baldwin, Buek, Chandler, Cox, Cronan, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Keating, Kelly of San Francisco, Kellogg, Knight, Lyneh, Maddox, McClure, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, and Wolfskill—29.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Chandler:

*Resolved*, That the Sergeant-at-Arms be directed to procure opal globes for the lower lights on the chandeliers; also, for the lower side lights, for the purpose of increasing the facilities for lighting the Senate; the expense to be paid out of the appropriation for the contingent expenses of the Senate.

Adopted.

Mr. Kellogg moved to reconsider the vote by which this resolution was adopted.

Ayes and noes demanded.

Roll called, and the motion to reconsider lost by the following vote:

AYES—Messrs. Filcher, Kelly of San Francisco, Kellogg, Lyneh, Maddox, Murphy, Spencer of Napa, Sullivan, Taylor, Wallis, and Wolfskill—10.

NOES—Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Del Valle, Dougherty, English, Foster, Fraser, Keating, Knight, McClure, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Stanislaus, and Vrooman—20.

Mr. English moved to take up Assembly Bill No. 140 out of order.

Ayes and noes demanded on the motion by Senators Vrooman, Kellogg, and Taylor.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Del Valle, Dougherty, English, Foster, Fraser, Keating, Knight, Lyneh, Maddox, McClure, Murphy, Perry, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Wallis, and Wolfskill—24.

NOES—Messrs. Filcher, Kelly of San Francisco, Kelley of Solano, Kellogg, Nelson, Reynolds, Taylor, Vrooman, and Whitney—9.

Assembly Bill No. 140—An Act for the protection of the dairy industries of this State, and the consumers of dairy productions.

After debate, the ayes and noes were demanded on the question: "Shall this bill be read the second time?" by Senators English, Ryan, and Vrooman.

Roll called, with the following result:

AYES—Messrs. Baldwin, Chandler, Cox, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Vrooman, Wallis, Whitney, and Wolfskill—29.

NOES—Messrs. Kelley of Solano, Reynolds, and Taylor—3.

So ordered.

Bill read second time, and amendments of the committee adopted.

Mr. Kellogg offered the following substitute to section six of the bill:

Any person who shall offer for sale any package or roll of butter purporting to weigh, or

sold to weigh, two pounds, but which shall weigh less than two pounds, shall be guilty of a misdemeanor.

Ayes and noes demanded on the adoption of the substitute for section six, by Senators McClure, Kellogg, and Kelley of Solano.

Roll called, with the following result:

AYES—Messrs. Dougherty, Keating, Kelley of Solano, Kellogg, Nelson, Reynolds, Routier, Taylor, Vrooman, Wallis, and Whitney—11.

NOES—Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Del Valle, English, Filcher, Foster, Fraser, Kelly of San Francisco, Knight, Lynch, Maddox, McCarthy, McClure, Murphy, Ryan, Spencer of Napa, Spencer of Stanislaus, and Wolfskill—21.

Lost.

Mr. Vrooman moved to amend section three of the bill by adding the following:

Every person dealing, whether by wholesale or retail, in the article or substance generally known as butter, and any hotel or restaurant keeper, or boarding house keeper, in whose hotel, or restaurant, or boarding house, such article or substance is used, shall continuously keep conspicuously posted up in not less than three exposed positions in or about their respective places of business, a printed notice in the following words, viz.: "Pure, sweet, and fresh dairy butter sold here." The said notice to be plainly printed with letters not less than one half an inch square each, and said printed notice to be printed in black letters upon a white surface. And each and every hotel keeper, restaurant keeper, and boarding house keeper, who may use butter in their respective places of business, shall upon the furnishing of the same to his guests or customers, cause each and every guest or customer to be distinctly informed that the article furnished is pure, sweet, fresh, dairy butter, and the product of the dairy.

After debate, the ayes and noes were demanded on the adoption of this amendment.

Roll called, and the amendment lost by the following vote:

AYES—Messrs. Kelley of Solano, Kellogg, Nelson, Reynolds, Taylor, Vrooman, and Whitney—7.

NOES—Messrs. Buck, Chandler, Cronan, English, Filcher, Foster, Fraser, Johnson, Keating, Kelly of San Francisco, Knight, Lynch, Maddox, McCarthy, McClure, Murphy, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, and Wolfskill—21.

Title amended by inserting the words "and when 'oleomargarine,' or 'oleomargarine butter' is sold or disposed of requiring notice thereof to be given" after the word "butter."

Bill as amended ordered engrossed.

At ten o'clock and five minutes P. M., Mr. Maddox moved to adjourn.

Ayes and noes demanded on the motion by Senators Taylor, Vrooman, and McClure.

Roll called, and the Senate refused to adjourn by the following vote:

AYES—Messrs. Buck, Kelly of San Francisco, Kelley of Solano, Kellogg, Maddox, McClure, Nelson, Reynolds, Ryan, Spencer of Stanislaus, Taylor, Vrooman, Wallis, and Whitney—14.

NOES—Messrs. Baldwin, Cox, Cronan, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Johnson, Keating, Knight, Lynch, McCarthy, Murphy, Routier, Spencer of Napa, and Wolfskill—18.

Mr. Murphy moved to make Assembly Bill No. 140 a special order for two o'clock P. M. on Tuesday, February twenty-seventh, eighteen hundred and eighty-three.

The Chair decided that a two-thirds vote would be required to make such an order.

Mr. Murphy appealed from the decision of the Chair.

Mr. McClure moved to adjourn.

Ayes and noes demanded on this motion by Senators McClure, Baldwin, and Reynolds.

Roll called, and the Senate refused to adjourn by the following vote:

AYES—Messrs. Kelly of San Francisco, McClure, Reynolds, Taylor, Vrooman, Wallis, and Whitney—7.

NOES—Messrs. Baldwin, Buck, Chandler, Cox, Cronau, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Johnson, Keating, Kellogg, Lynch, McCarthy, Murphy, Routier, Spencer of Napa, Spencer of Stanislaus, and Wolfskill—21.

Mr. Kellogg moved a call of the Senate.

Lost.

Mr. Murphy withdrew his appeal from the decision of the Chair.

Vote taken on the motion to make Assembly Bill No. 140 a special order for Tuesday, at two o'clock P. M.

Roll called, with the following result:

AYES—Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Del Valle, Dougherty, English, Foster, Fraser, Johnson, Keating, Lynch, Maddox, McCarthy, McClure, Murphy, Routier, Ryan, Spencer of Napa, Sullivan, and Wolfskill—22.

NOES—Messrs. Filcher, Kelly of San Francisco, Kellogg, Nelson, Reynolds, Spencer of Stanislaus, Taylor, Vrooman, Wallis, and Whitney—10.

So ordered.

#### ADJOURNMENT.

At ten o'clock and forty minutes P. M., on motion of Mr. Fraser, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Tuesday, February 27, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Reading of the Journal temporarily postponed.

#### REPORTS OF COMMITTEES.

##### ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, February 27, 1883.

\* MR. PRESIDENT: Your committee to whom was referred Senate Bill No. 367—Entitled "An Act for the relief of the fishery interests of the State, and to provide a suitable canal for the fish to enter the stream of Cache Creek"—have had the same under consideration, and now report the same back, and recommend that it do pass.

FOSTER, Chairman.

## ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 26, 1883.

MR. PRESIDENT: The undersigned, members of your Committee on Judiciary, have had under consideration Senate Bill No. 276—Entitled "An Act to amend an Act entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to reporters of the Supreme Court, and publication of reports"—and do now report the same back to the Senate, and recommend its passage.

GEORGE E. WHITNEY.  
C. W. CROSS.  
CLAY W. TAYLOR.  
DAVID MCCLURE.  
HENRY VROOMAN.  
FRANK J. SULLIVAN  
W. W. KELLOGG.  
R. F. DEL VALLE.  
G. H. PERRY.  
F. T. BALDWIN.  
PATRICK REDDY.  
K. E. KELLEY.

## ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, February 26, 1883.

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Assembly Bill No. 21—An Act supplementary to an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State," approved April 15, 1880—have had the same under consideration, and report the same back, and recommend its passage.

Also, Assembly Concurrent Resolution No. 29—Concurrent Resolution, instructing our Senators and requesting our members in the Congress of the United States to urge the passage of laws for the promotion and protection of the viticultural industries of the State of California and other States of the Union—and recommend its passage.

Also, Assembly Bill No. 58—An Act to add a new section to the Penal Code, to be known as section forty [2], to prevent the sale of adulterated milk—and report it back without action.

Also, Assembly Bill No. 32—An Act to create and establish a State Board of Horticulture, and appropriate moneys for the expenses thereof—report it back, and recommend its passage; and that being identical with Senate Bill No. 3, already reported back by the committee, we recommend that it take the place of said Senate Bill No. 3 on the file.

Also, Assembly Bill No. 72—An Act regulating the taking up of stray animals and posting the same—and recommend its passage.

Also, Assembly Bill No. 230—An Act to authorize the Boards of Supervisors of the several counties of this State to appoint Inspectors of Apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture—and recommend its passage.

WOLFSKILL, Chairman.

## ON PUBLIC BUILDINGS.

Report on mileage due members of the committee.

Referred to Committee on Contingent Expenses and Mileage.

## ON ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 27, 1883.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred Assembly Bill No. 140—have examined the same, and find it properly engrossed.

NELSON, Chairman.

Mr. Whitney moved to take up Senate Bill No. 305 out of order.  
Lost.

## MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 26, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Concurrent Resolution No. 47—Relative to the mail service between the United States, New Zealand, and Australia.

Adopted.

Also, Assembly Concurrent Resolution No. 34—Relative to the Board of Railroad Commissioners.

Returned to the Assembly, as it referred wholly to Assembly business.

Also, Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

Referred to Committee on Finance.

Also, Assembly Concurrent Resolution No. 52—Relative to the claim of Esther H. Dennis and other heirs of Wm. E. Dennis, deceased.

M. C. HALEY, Chief Clerk.

Referred to Committee on Claims.

#### SPECIAL FILE.

Assembly Concurrent Resolution No. 21, and Senate Bills Nos. 65 and 64—Passed on file.

Assembly Bill No. 130—An Act to divide the State into Senatorial Districts and to provide for the election of Senators therein.

Pending consideration of amendments to this bill, Mr. Del Valle moved a

#### CALL OF THE SENATE.

Carried.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Cross, Del Valle, English, Filcher, Foster, Fraser, Johnson, Kelly of San Francisco, Kellogg, Knight, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

The Sergeant-at-Arms was furnished with a list of absentees, and the doors were closed.

The Sergeant-at-Arms appeared, and announced that Senator Lynch was without, desiring admittance.

On motion, Senator Lynch was admitted, and afterwards excused.

The Sergeant-at-Arms appeared, and announced that Senator Keating was without, desiring admission.

On motion, Senator Keating was admitted, and afterwards excused.

Mr. Ryan moved to dispense with further proceedings under the call of the Senate.

Ayes and noes demanded by Senators Ryan, Reynolds, and Taylor.

Roll called, with the following result:

AYES—Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Cross, Del Valle, English, Filcher, Foster, Fraser, Johnson, Knight, Lynch, Reddy, Reynolds, Routier, Ryan, Spencer of Stanislaus, Sullivan, and Wolfskill—21.

NOES—Messrs. Keating, Kelly of San Francisco, McClure, Perry, Taylor, and Wallis—6.

So ordered.

Assembly Bill No. 130 amended as follows:

Section three amended by striking out the word "Modoc."

Section four amended by inserting the word "Modoc" before the word "Lassen," in line one.

Mr. Cox moved to amend section thirteen so as to read as follows:



That portion of Sacramento County comprising Wards One and Three of the City of Sacramento, together with the Townships of Center, American, Mississippi, Granite, Natoma, Lee, and Cosumnes, shall constitute the Twelfth Senatorial District.

After debate, the ayes and noes were demanded on the amendment by Senators Vrooman, Perry, and Routier.

Roll called, and the amendment lost by the following vote:

AYES—Messrs. Cox, Fraser, McClure, Perry, Routier, Ryan, and Vrooman—7.

NOES—Messrs. Buck, Chandler, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Johnson, Kellogg, Knight, Maddox, Reddy, Reynolds, Spence of Napa, Spencer of Stanislaus, Sullivan, Wallis, Whitney, and Wolfskill—21.

Pending the discussion of amendments to the bill, the hour arrived, and the President declared a recess.

#### REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

Honorable R. F. Del Valle, President pro tem., in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Fraser, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Murphy, Perry, Reddy, Reynolds, Routier, Ryan, Spence of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfkill.

Quorum present.

Mr. Perry moved that the Journal of yesterday be now read.

Carried.

Pending the reading of the Journal, Mr. Kellogg moved to dispense with the further reading of the Journal.

Carried.

Journal approved.

#### SPECIAL ORDER.

Consideration of Assembly Bill No. 140.

Mr. Sullivan moved to postpone until Wednesday, February twenty-eighth, at two o'clock P. M.

Ayes and noes demanded on this motion by Senators Sullivan, Vrooman, and Ryan.

Roll called, and the motion to postpone was lost by the following vote:

AYES—Messrs. Kelly of San Francisco, Knight, Lynch, Reynolds, Ryan, Sullivan, Vrooman, Whitney, and Wolfkill—9.

NOES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Fraser, Johnson, Keating, Kellogg, Maddox, McCarthy, McClure, Murphy, Perry, Reddy, Routier, Spence of Napa, Spencer of Stanislaus, and Wallis—25.

Assembly Bill No. 140—An Act for the protection of the dairy industries of this State, and the consumers of dairy productions.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Fraser, Johnson, Keating, Kelly of San Francisco, Lynch, Maddox, McCarthy, McClure, Murphy, Perry, Reddy, Routier, Ryan, Spence of Napa, Spence of Stanislaus, Sullivan, Vrooman, Wallis, and Wolfkill—30.

NOES—Messrs. Reynolds and Whitney—2.

Title read and approved.

Mr. Vrooman gave notice that, on the following day, he should move to reconsider the vote whereby Assembly Bill No. 140 was passed.

# REPORT OF COMMITTEE—(OUT OF ORDER).

## ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 27, 1883.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 241—An Act to amend section three hundred and fifty-nine of the Civil Code, relating to increasing and diminishing the capital stock of corporations—have had the same under consideration, and report the same back, and recommend its passage.

RYAN, Chairman.

In accordance with previous notice, Mr. Speneer moved to reconsider the vote whereby Senate Bill No. 327 was laid on the table.

Ayes and noes demanded by Senators Perry, Spencer of Napa, and Vrooman.

Roll called, with the following result:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Del Valle, Dougherty, English, Fraser, Keating, Kelly of San Francisco, Lyneh, Maddox, McCarthy, McClure, Perry, Routier, Spencer of Napa, and Vrooman—20.

NOES—Messrs. Cross, Filcher, Kellogg, Murphy, Reddy, Reynolds, Ryan, Speneer of Stanislaus, Sullivan, Taylor, Wallis, and Wolfskill—12.

Carried.

The question recurring again on the original motion to lay this bill on the table, the ayes and noes were demanded by Senators Taylor, Vrooman, and Filcher.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Cross, Filcher, Kellogg, Reynolds, Ryan, Speneer of Stanislaus, Sullivan, Taylor, Wallis, and Wolfskill—10.

NOES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Del Valle, Dougherty, English, Fraser, Kelly of San Francisco, Lyneh, Maddox, McClure, Perry, Reddy, Routier, Spencer of Napa, Vrooman, and Whitney—20.

The amendment offered by Mr. Whitney, to amend section one so as to read: "section eighteen of said Act is hereby repealed," under consideration.

Mr. McClure moved to amend the amendment, by striking out all after the word "section," in line one, page one, down to and including the word "appropriate," in line twenty-two, page two, printed bill.

After debate, the ayes and noes were demanded on the amendment to the amendment by Senators Vrooman, Baldwin, and Spencer of Napa.

Roll called, and the amendment adopted by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Dougherty, English, Fraser, Keating, Kelly of San Francisco, Lyneh, McCarthy, McClure, Perry, Speneer of Napa, Vrooman, and Wallis—18.

NOES—Messrs. Del Valle, Foster, Johnson, Kellogg, Knight, Maddox, Murphy, Reddy, Reynolds, Routier, Ryan, Spencer of Stanislaus, Sullivan, Taylor, Whitney, and Wolfskill—16.

Mr. Murphy moved to indefinitely postpone further consideration of this bill.

Ayes and noes demanded by Senators Maddox, McCarthy, and Kellogg.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Brooks, Cross, Kellogg, Knight, Maddox, Murphy, Reddy, Reynolds, Ryan, Spencer of Stanislaus, Sullivan, Taylor, Wallis, and Wolfskill—14.

NOES—Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Del Valle, Dougherty, English, Foster, Fraser, Johnson, Kelly of San Francisco, Lynch, McCarthy, McClure, Perry, Routier, Spencer of Napa, Vrooman, and Whitney—20.

The question recurring on the adoption of the amendment of Mr. Whitney as amended, the ayes and noes were demanded by Senators Taylor, Reddy, and Sullivan.

Roll called, and the amendment adopted by the following vote:

AYES—Messrs. Baldwin, Brooks, Chandler, Cox, Cronan, Cross, Del Valle, English, Foster, Fraser, Johnson, Keating, Kelly of San Francisco, Knight, Lynch, McCarthy, McClure, Murphy, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Sullivan, Vrooman, Wallis, and Whitney—26.

NOES—Messrs. Maddox, Spencer of Stanislaus, and Wolfskill—3.

Mr. Johnson moved to amend section two of the bill, by striking out all after the word "purpose," in line twenty-one, to and inclusive of the word "patients," in line twenty-five, and insert the following:

If indigent insane persons have kindred of degree of husband, or wife, father, mother, or children, living within this State, of sufficient ability, who are otherwise liable, said kindred shall support such indigent insane persons to the extent prescribed for paying patients.

Ayes and noes demanded on this amendment by Senators Vrooman, Keating, and Murphy.

Roll called, and the amendment adopted by the following vote:

AYES—Messrs. Brooks, Chandler, Cox, Cronan, Cross, Del Valle, English, Filcher, Fraser, Johnson, Keating, Kellogg, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, and Whitney—20.

NOES—Messrs. Baldwin, Kelly of San Francisco, Lynch, McClure, Murphy, Perry, and Wallis—7.

On motion of Mr. McClure, the figure "2" was stricken out in line one of section two, page two, printed bill, and the figure "1" inserted in lieu thereof.

Section three amended by striking out the figure "3," and inserting the figure "2" in lieu thereof.

Mr. Taylor moved to amend the bill, by striking out "section two," and inserting in lieu thereof the following:

Section eighteen of the Act to which this Act is amendatory is hereby repealed.

Ruled out of order.

Mr. Taylor moved to amend by striking out the enacting clause.

Ayes and noes demanded on the amendment by Senators Baldwin, Fraser, and Taylor.

Roll called, and the amendment lost by the following vote:

AYES—Messrs. Brooks, Filcher, Maddox, McCarthy, Ryan, Spencer of Stanislaus, Sullivan, Taylor, and Wallis—9.

NOES—Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Cross, Del Valle, English, Fraser, Johnson, Keating, Kelly of San Francisco, Kellogg, Lynch, McClure, Murphy, Perry, Reynolds, Routier, Spencer of Napa, Vrooman, and Whitney—22.

Senate Bill No. 327, as amended, ordered engrossed and to a third reading.

In accordance with previous notice, Mr. Vrooman moved to reconsider the vote by which the Senate refused Senate Bill No. 297 a second reading.

Ayes and noes demanded on the motion by Senators McClure, Vrooman, and Wallis.

Roll called, and the Senate refused to reconsider by the following vote:

AYES—Messrs. Baldwin, Chandler, Del Valle, Keating, McCarthy, McClure, Nelson, Perry, Reddy, Routier, Ryan, Spencer of Napa, Vrooman, Wallis, and Whitney—15.

NOES—Messrs. Brooks, Buck, Cronan, Cross, Dougherty, English, Filcher, Foster, Johnson, Kelly of San Francisco, Kellogg, Knight, Lyneh, Maddox, Murphy, Reynolds, Spencer of Stanislaus, Sullivan, and Taylor—19.

Mr. Johnson moved to take up Senate Bill No. 355 out of order.

Ayes and noes demanded on the motion by Senators Cronan, Baldwin, and Reynolds.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Dougherty, English, Foster, Fraser, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Routier, Ryan, Spencer of Napa, Sullivan, Taylor, Vrooman, and Whitney—29.

NOES—Messrs. Cronan, Filcher, Reynolds, Spencer of Stanislaus, and Wallis—5.

Senate Bill No. 355—An Act to amend an Act entitled "An Act to create Hastings' College of the Law in the University of the State of California," approved March 26, 1878.

Read first time.

Mr. Johnson moved that the rule relating to the reading of bills on three several days, in conformity with section fifteen of article four of the Constitution, be suspended, Senate Bill No. 355 be declared a case of urgency, and read a second time.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Del Valle, Dougherty, English, Filcher, Fraser, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Ryan, Spencer of Napa, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—31.

NOES—Messrs. Reynolds and Spencer of Stanislaus—2.

Senate Bill No. 355—Read second time.

The rules and provisions of the Constitution further suspended, and the bill considered engrossed, and ordered read third time by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Dougherty, English, Filcher, Foster, Fraser, Johnson, Keating, Kellogg, Knight, Lynch, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—33.

NOES—Mr. Spencer of Stanislaus—1.

Senate Bill No. 355—Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Fraser, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill—34.

NOES—None.

Title read and approved.

Mr. Kellogg was granted leave of absence for this evening.

Mr. Sullivan moved to take up Senate Bill No. 132 out of order.



Ayes and noes demanded on the motion by Senators Vrooman, Baldwin, and Whitney.

Roll called, with the following result:

AYES—Messrs. Baldwin, Brooks, Buck, Cox, Cronan, Cross, Del Valle, Dougherty, English, Fraser, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, McCarthy, Murphy, Nelson, Perry, Reddy, Routier, Ryan, Spencer of Napa, Sullivan, Taylor, and Wolfskill—27.

NOES—Messrs. Chandler, Filcher, Foster, Reynolds, Spencer of Stanislaus, and Vrooman—6.

Carried.

Senate Bill No. 132—An Act entitled “An Act to grant the Boards of Health in cities and counties the power to regulate the plumbing and drainage of buildings.”

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, McCarthy, McClure, Murphy, Nelson, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Sullivan, Taylor, Vrooman, Wallis, and Wolfskill—31.

NOES—Messrs. Spencer of Stanislaus and Whitney—2.

Title read and approved.

Mr. Vrooman gave notice that, on the following day, he should move for a reconsideration of the vote whereby Senate Bill No. 132 was passed.

Mr. Sullivan moved to take up Senate Bill No. 288.

Carried.

Senate Bill No. 288—An Act authorizing and directing the Regents of the University of California to convey certain lands.

Read second time, amendments of the committee adopted, and title amended, by striking out the word “directing,” and inserting in lieu thereof the word “empowering.”

Bill as amended ordered engrossed, and to a third reading.

Mr. Ryan gave notice that, on the following day, he should introduce a resolution to limit speeches to five minutes during the remainder of the session.

## REPORTS OF COMMITTEES—(OUT OF ORDER).

### ON AGRICULTURE.

SENATE CHAMBER, SACRAMENTO, February 27, 1883.

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Assembly Bill No. 25—An Act to amend sections four and nine of an Act entitled an Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State, and to add a new section thereto—have had the same under consideration, and now report the same back, and recommend its passage.

Also, Senate Bill No. 372—An Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

WOLFSKILL, Chairman.

### ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 27, 1883.

MR. PRESIDENT: Your Committee on Hospitals have had under consideration Senate Bill No. 385—Relative to the regulation of the practice of medicine—and respectfully report the same back, with the recommendation that it do not pass.

Also, Senate Bill No. 379—To confer further powers on the State Board of Health—and report the same back, with a recommendation that it do not pass.

KNIGHT, Chairman.



## ON ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, February 27, 1883.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred Senate Bills Nos. 155 and 181, have examined the same, and find them properly engrossed.

NELSON, Chairman.

## ADJOURNMENT.

At five o'clock and thirty minutes P. M., on motion of Mr. Cross, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, February 28, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cross, Del Valle, Dougherty, Fileher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Reading of Journal deferred, waiting arrival of printed copies.

## REPORTS OF COMMITTEES.

## ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, February 28, 1883.

*To the honorable the Senate of the State of California:*

MA. PRESIDENT: Your Committee on State Prisons and Prison Buildings most respectfully beg leave to submit for your honorable consideration the following report, as a result of its deliberations upon the important matters confided to its charge.

The greater portion of the time of your committee has been consumed in the taking of testimony concerning the management of the business of the prison at San Quentin, and in the taking of testimony respecting the conduct of the State Prison Directors and the officers at San Quentin. We have taken one thousand one hundred and thirty-seven pages of testimony upon this subject.

We find from the evidence that the Board of Directors, consisting of A. H. Chapman, J. H. McNeff, Wallace Everson, Wm. F. McNutt, and — Whitney, required the Warden of the San Quentin Prison, and T. C. Poekman, who was appointed Warden of the prison at Folsom, to waive their constitutional rights with respect to the appointment and discharge of subordinate officers and employes in favor of the Directors, as a condition to their appointment to the offices named, contrary to the provisions of article ten of the Constitution of the State of California; and that said Board of Directors and said Wardens afterwards acted upon the bargains thus made. That the Board of State Prison Directors, consisting of A. H. Chapman, J. H. McNeff, Wallace Everson, Wm. F. McNutt, and J. W. Schell, entered upon the construction and erection of buildings estimated to have cost the sum of forty thousand dollars, and the purchase at one time of sixty thousand dollars worth of machinery, and some fifty thousand dollars worth of jute, with a view of starting the present jute manufactory, without any authority of law. That the erection of the building for the jute factory was done in defiance of the provisions of an Act approved March twenty-third, eighteen hundred and seventy-six, section three thousand two hundred and thirty-four of the Political Code; that the cost of said building exceeded the sum of three thousand dollars; and that no plans of such building or bills showing the amount of the different kinds of material necessary for such erection was submitted to the Governor, State Treasurer, and Secretary of State for their approval prior to the erection of said building, or at any time.

We find that A. H. Chapman, J. H. Neff, Wallace Everson, J. W. Schell, and W. F. McNutt have been guilty of demanding and receiving money from the State for mileage to which they were not entitled by law. That said Board demanded and received from the State, under the Act of March fourteenth, eighteen hundred and eighty-one, the salary of one hundred dollars per month, contrary to the provisions of section four of article ten of the Constitution of the State, the language of which is so plain that any man of ordinary understanding would know prohibited the payment of such salary. The section referred to reads as follows: "The members of the Board shall receive no compensation other than reasonable traveling and other expenses incurred while engaged in the performance of official duties, to be audited as the Legislature may direct." That said Board of Directors audited their own claims for mileage against the State; that the Directors, Everson, Schell, Chapman, and McNutt received from Warden Ames articles manufactured in the State Prison, and that the same were charged to said Directors, and afterwards paid for by them, contrary to law, and that the said Directors had no right under the law to purchase said articles.

We also find that officers of the prison tendered to said Directors presents of articles manufactured at said prison; that said officers were not discharged or reprimanded for making such offers; that lumber belonging to the State was taken and used in the construction of a yacht, owned by F. G. Berry, the Commissary of the prison, and J. V. Ellis, the Clerk of the prison; that no entry or charge was made for such lumber until after the Special Commission of Inquiry, appointed by Governor Perkins, had developed the fact in evidence; that Mr. Berry claimed to have delivered to the State certain spars, the value of which does not appear upon any evidence taken, but which was claimed by Mr. Berry to be equivalent in value to the lumber used; that the State was not charged for the value of said spars, nor was there any account of this transaction until after the fact appeared in evidence before the honorable commission above named; that after the evidence had disclosed the fact, the Clerk of the prison then made the entries in his books; that the Directors of said prison were informed of these facts; but, notwithstanding, Mr. Berry and Mr. Ellis have never been reprimanded or discharged by said Directors; that said acts on the part of said Berry and Ellis, both being men well educated in business rules, was a plain violation of the trust reposed in them, and was a dishonest act. We do not measure the intent or the integrity of the proceeding by the amount involved.

We find from the evidence that Warden Ames caused to be manufactured in the prison at San Quentin, out of the material belonging to the State, and in part by prison labor, and for his own use, a water-wheel; that no account of the material used or the labor furnished in making said water-wheel was ever entered on the books of the prison until after the evidence given before the honorable Commission above mentioned disclosed the fact; that after its discovery, and several months after the lumber had been used, the Clerk of the prison entered in his books the charge against Warden Ames for the lumber used, and no account was made of the prison labor employed in the construction of said wheel. Warden Ames gave as an excuse for taking such lumber, the fact that he had certain forage on storage at San Quentin which was used for the benefit of the State; that the forage amounted to a sum considerably larger than the value of the lumber taken, but this forage was not charged against the State until after it was found that Mr. Ames had taken lumber belonging to the State, and then the forage was charged to the State.

We find that Warden Ames violated the law in taking for his own use property belonging to the State, and that he violated the law in selling to the State the forage; that his acts in this respect were in plain violation of the trust reposed in him, and were dishonest, and that, notwithstanding these facts were known to the Board of Directors, they have failed to reprimand, or in any manner to complain of the action of Warden Ames.

In this matter the Board of Directors have, by the example which they set to the subordinate officers in San Quentin in purchasing State property, and by their failure to reprimand or remove the prison Clerk, Mr. Ellis, and the Warden, Mr. Ames, have sanctioned these breaches of trust or unlawful acts.

Section thirteen thousand one hundred and seventy-two of the Penal Code provides that "Every person, who, within two miles of the land belonging to this State upon which the State Prison is situated, \* \* \* sells, gives away, or exposes for sale, any vinous or alcoholic liquors, is guilty of a misdemeanor."

The purpose of this statute is plain, yet it is a notorious fact, well known to the Directors and Warden Ames, that a number of parties are engaged in the business of selling vinous and alcoholic liquors within the proscribed limits, without any effort on the part of the Board of Directors or any of the prison authorities to prosecute the parties engaged therein, or to prevent such traffic. We are informed that the business of retailing vinous and alcoholic liquors has been continued for a number of years, and long before the present Directors and prison authorities were elected or appointed; but we do not understand that neglect of duty on the part of former officials can excuse it in the present officers.

We find that the Board of Directors, in the year eighteen hundred and eighty-two, at the starting of the jute factory, caused to be engaged and employed twenty-eight Chinese, who were not convicts, and not under sentence of law, to work in the jute factory at the San Quentin prison; that they continued to work there for a period of about thirty days, when the Attorney-General called the attention of the Board to the constitutional provision prohibiting the employing of Chinese in such work. We find the action of the Board in the employing of said Chinese to be in direct conflict with section three of article nineteen of the Constitution of this State. Therefore, said Board of Directors, and said Warden Ames, have violated their oaths

of office in employing said Chinese. This violation of the oath of office is attempted to be excused by the Board of Directors by a resolution passed and entered upon their records, February fifth, eighteen hundred and eighty-two, in which it is recited that the employment of the Chinese had become a matter of necessity to the starting of the jute factory; but your committee find that if it was a necessity, it was one created by themselves, in unlawfully and without authority entering upon the manufacturing of jute; and that there is no excuse, and can be no excuse, for the deliberate and willful violation of the Constitution of the State.

We find the following report on the records of the Board of Directors, page sixty-five: "San Quentin, October 12, 1880.—The committee on jute contract reported that they entered into an agreement with Degner & Co., San Francisco, to supply the prison with two hundred and fifty tons of jute material for manufacturing jute, at four dollars and twenty cents per hundred pounds." The records of the Board do not show when such committee was appointed, and of whom it was composed. The invoice and vouchers show that the State paid for this lot of jute at the rate of four dollars and forty-seven cents per hundred, instead of four dollars and twenty cents per hundred. From this it would appear that the Clerk's record of the Directors is false, or else that some of the parties acting for the State have embezzled on this purchase of jute twenty-seven cents per one hundred pounds. If the former, the Directors have been guilty of gross negligence, as they are required to inspect and sign the records of their official acts; if the latter, comment is useless.

Your committee notified Warden Ames of this discrepancy, and requested him to explain it. His explanation was, that the fact of the existence of such a record and such a report from the committee was a surprise to him, and, in addition, put the following document in evidence:

SAN FRANCISCO, September 22, 1880.

Wm. F. McNutt, Esq., M. D.:

DEAR SIR: We herewith beg to offer you one thousand bales (two hundred and fifty tons) jute, two thirds superior, one-third inferior, to be shipped from Calcutta during the month of November, per British iron ship Palamar, at three and four fifths cents (ex ship) per pound; cost, freight, and insurance to be covered in one series for the one thousand bales, with ten per cent particular average. We have based our price on cash payment, without discount, on ship's arrival. We further beg to offer you a thousand to five thousand bales, December, January shipments at three and one tenth cents, free on board in Calcutta. We can put this offer on the basis of a cost, freight, and insurance price, as soon as we have obtained shipping opportunity in Calcutta for such purpose. Our offers from Calcutta are subject to immediate reply. Being very desirous to consummate the business with your good self, we propose to do it on the bedrock basis. Soliciting an early reply,

We are, dear sir, very truly yours,

DEGNER & CO.

Warden Ames testified that this was genuine, and that it was the contract actually made for the purchase of the jute in question. It will be observed that William F. McNutt is the party addressed in this letter, and will serve to show by whom and the manner in which this transaction was conducted. No other report or writing has been presented or shown to exist concerning this transaction.

Mr. J. V. Ellis testified that the contract reported by the committee, which has already been referred to, was a contract to furnish jute, at the rate of four dollars and twenty cents per hundred, for a period of one year from the date of the contract; that he was present at the time that the report of the committee was made, and entered their report on the records. This testimony of J. V. Ellis was called to the attention of Warden Ames, and he was asked to explain it, if he could. The only answer given by Warden Ames was, that he thought that the report of the committee, stating they had purchased jute at the rate of four dollars and twenty cents as the price per hundred, was a clerical error, and that he was astonished at finding such a report. But Mr. Ellis, who made the report, does not claim that it was a clerical error; but claims that it was correctly entered by him.

The committee find in accordance with the evidence of J. V. Ellis, the Secretary of the Board, for the reason that Mr. Ellis has a distinct and clear recollection of the transaction, and appears to know whereof he speaks, and because the record was made by him at the time of the transaction, and because Mr. Ames does not claim to have been present or to know what the report was.

The testimony taken before your committee shows that during the time that the State has been purchasing jute, some six different and responsible houses in San Francisco were dealing in jute in the same manner as the houses with which the State has been dealing; that the Directors have never taken any steps to invite competition among these various houses of furnishing jute to the State, nor have they advertised for bids, nor in any manner invited competition. Their purchases and dealings have been confined to two houses, namely, Degner & Co., and the house of Balfour, Guthrie & Co. The records show that they have left the purchase of the jute to committees, and the records only show that after the purchase and delivery of the material, that they ratified the act, and first recognized the fact of purchase by ordering payment.

We find that no public or fair means were adopted by the Board of Directors for the purpose of inviting competition or securing bids for the sale and delivery to the State of the machinery, which was purchased in England for the jute factory. They have failed to record their official acts in this respect, and have disregarded the duty which they owe to the State, to the public,



and to themselves, if their action was fair in this regard. We find that they have not retained the correspondence between the Board, or those acting for the Board, with regard to this purchase; that this purchase amounted to about sixty thousand dollars, and that it was made without any advertisement or notification to bidders.

We find that the Board did advertise calling for bids to furnish a steam engine and boilers of two hundred and fifty horse-power, said bids to be sent to the Clerk at San Quentin, to be opened April fourteenth. The records are silent as to what transpired, but the facts otherwise proven show that the Risdon Iron and Locomotive Works put in a bid for ten thousand dollars, the Pacific Iron Works seven thousand five hundred dollars, and the Fulton Iron Works put in a bid of seven thousand two hundred and fifty dollars. Why they should advertise for bids for the sale of machinery of this character and value, and make no effort to invite competition where sixty thousand dollars worth of machinery was to be purchased, is a fact which your committee cannot attribute to any honest motive, particularly when it appears that no attention was paid to these bids after they were received. It appears from the testimony of Mr. Scott that he did not put in any bid in writing called for by the advertisement in question, but two days later, on the sixteenth of April, Prescott, Scott & Company offered to furnish an engine of a different character of that advertised for, and also boilers, for seventeen thousand two hundred dollars, which was afterwards accepted; so that it appears to your committee that the Board were opposed to letting contracts under the competitive system; and we find that the contract for the machinery made with Prescott, Scott & Company for the motive power used at the jute factory was made by private contract. The Board have disregarded section eleven of the Act of April 15, 1880, entitled "An Act to define, govern, and regulate the State Prisons of California," both as originally enacted and as amended March 14, 1881.

With reference to the purchase of provisions, clothing, medicine, forage, fuel, and other supplies needed for the support of the prison, they have, without advertising for bids as required by the statute named, permitted Warden Ames to employ a man by the name of Davis, and paid him a salary of fifty dollars per month, and his expenses for himself and horse, to roam around the country purchasing beef for the State Prison.

Warden Ames and Commissary Berry have both been permitted to purchase wood, and whatever else might be required at the prison in the way of supplies, without advertising and without any limitation upon their power.

They have permitted Mr. Berry and Mr. Ames to sell goods and material purchased for the use of the prison, and to carry on a regular business, and to trade and traffic in the goods and property of the State, and that without any regular supervision on the part of the Board of Directors.

They have permitted Warden Ames, without limit, to sell and dispose of all goods and articles manufactured at the State Prisons, without advertising the same, and without inviting competition between purchasers; and with their knowledge he has sold manufactured articles made at the prison in large quantities, not for cash, but on credit; and they have thus delegated to Warden Ames the power to execute and carry out a trust which is especially imposed upon said Board by the express terms of section twenty-one of an Act approved April 15, 1880, entitled "An Act to define, regulate, and govern the State Prisons of the State of California."

We regard the authority contained in said section—"to dispose of the articles manufactured, and not needed by the State, for cash, at public auction, or otherwise"—a high public trust, which cannot and ought not to be delegated to a single individual, inasmuch as the property to be thus disposed of in each year amounts to many thousands of dollars, and the power to defraud the State being ample, the Board in whom such confidence is reposed, should itself, or under its immediate supervision, execute this trust.

Your committee do not believe that, because the Directors are not well paid for the services to be performed by them, they should assign the trust reposed in them to other parties. That the Board of Directors have established a rule of allowing ten cents per day to all convicts who perform faithful labor, and to others a still higher per diem, the amount of which we could not learn from Warden Ames, although he was fully questioned on the subject; that the amount of money thus paid out to convicts at San Quentin amounts at the least to twenty-four thousand dollars per annum; that this rule was established by said Board without any warrant or authority of law. The money thus allowed to convicts is not actually paid to them, but they are to receive a credit on the books kept at the prison, and the money drawn out of the funds of the State by Mr. Ames, and, as testified by him, deposited in the Nevada Bank in his own name, adding, however, thereto the word "Trustee," which would not in the case of the death or temporary absence of Mr. Ames show who the beneficiaries are or the purpose of the trust.

This manner of depositing said fund leaves it subject to the disposition of Mr. Ames, and leaves him amenable to section four hundred and twenty-four of the Penal Code of this State, for having deposited public funds in a private bank.

Your committee are satisfied that the law does not contemplate paying to the convicts at San Quentin any reward in money, and does not warrant Mr. Ames in drawing from the public money of the State such sums, and depositing it in his own name in a private bank.

Mr. Ames testifies, under the regulations of the Board and under the law that he is the trustee of all such funds, and that he is to pay it over to the convicts when the term of each convict expires; but it seems to your committee that the State would be a better custodian than Mr. Ames of such fund.

The Board of Directors have permitted Mr. Berry, the Commissary, to carry on business with the convicts, by selling goods purchased by the State, and furnishing to them such articles as they may call for on the credit of the fund mentioned. And this is the only way that the con-

viet for life can enjoy the fruits of faithful toil at San Quentin. We are informed by the testimony of Mr. Ames and Mr. Robinson, Superintendent of the jute factory, that it is necessary to good discipline and faithful labor that the convicts be paid a per diem. If such is the fact, your committee suggest that there may be some danger of a strike on the part of the convicts for higher wages, and they may endanger the success of the enterprises dependent upon their labor.

Under the contract system which prevailed prior to January first, one thousand eight hundred and eighty-two, the firm of N. P. Cole & Co., of San Francisco, had charge of and operated the furniture department at San Quentin, and were at the time the contract system ceased the owners of all the machinery, tools, and implements in said department. Mr. Slosser was a member of the firm last named, and was the foreman and superintendent of said department for said firm. At about the time that the contract system was, under the Constitution of the State, to cease, Mr. Slosser, according to the testimony of Mr. Ames, claimed to have severed his business relations with said firm, and was immediately employed by Mr. Ames to superintend said department for the State.

Mr. Ames testifies that he was not familiar with the prices of furniture and articles manufactured in that department, and that he did not take any steps towards informing himself on such matters, except he at one time called upon Mr. Emanuel, in San Francisco, a wholesale furniture dealer, to inquire into the prices, which testimony is contradicted by Mr. Emanuel. Mr. Ames also testified that he conferred with Mr. Slosser, and relied upon him to fix the prices of articles made and to be made in that department, and that the price-list established was dictated by Mr. Slosser; that in fixing the price-list the only items considered were: *First*—The cost of free labor in that department; and, *Second*—The convict labor at sixty cents per day. That N. P. Cole & Company are still the owners of the machinery and of the tools and implements in said department, but the State, through the said Board of Directors, entered into an agreement with said firm, which bears date November eleventh, eighteen hundred and eighty-one, and is to the following effect: That the State is to have the use of the tools, implements, and machinery for the term of two years, commencing the first day of December, eighteen hundred and eighty-one, and ending on the thirtieth day of November, eighteen hundred and eighty-three, at a monthly rental of five hundred dollars per month during said term, the State to have the right to purchase said property at any time within said term of two years for eleven thousand dollars, with interest thereon at the rate of eight per cent per annum, from the first day of December, one thousand eight hundred and eighty-one; and in case the party of the second part purchase the property within the time mentioned, the amount of rent paid up to the time of purchase shall be considered a part of the purchase price, and shall be allowed interest at the rate of eight per cent per annum on the monthly payments up to the time of purchase—notwithstanding the fact that the State furnished the building in which this business was carried on, and notwithstanding the fact that the State was to pay and has paid at the rate of five hundred dollars per month for the use of the machinery and tools used in making the furniture. Mr. Slosser and Mr. Ames did not consider these items in making up the prices or cost of manufacturing articles in that department, nor did they consider the general expense of management, guards, etc.; that N. P. Cole & Co. have continued, ever since their contract with the State ceased, to furnish material at San Quentin, and have the same manufactured to their orders and plans, the State simply receiving what it had to pay out for free labor and the cost of convict labor. That was substantially the arrangement under the old system, the only difference being that under the old contract system the State received so much per day for the labor of each convict, now the State simply charges the cost of the labor necessary to manufacture the article.

Under the old system, the contractor had to take the risk of obtaining a given amount of labor from each convict; under the present system, the State has to take that risk.

N. P. Cole & Co. have furnished material for and have received all the furniture and articles manufactured in the furniture department at San Quentin ever since the expiration of their old contract with the State, with the exception of some few articles of no considerable value; that the Directors or Warden Ames have not advised or advertised the furniture dealers of San Francisco or other cities of this State that they could have furniture manufactured at San Quentin at any given price, neither have they invited the furniture dealers to patronize that institution, but on the contrary have refused to give any information to such parties or to sell to such dealers furniture when applied for.

According to the testimony of L. Emanuel, which has not been successfully contradicted, he applied to Warden Ames for his price lists, and to ascertain at what prices he could have furniture manufactured at that institution; that Warden Ames refused to give him any information upon that subject, and treated him in a rude and offensive manner. That Mr. Emanuel pointed out to Warden Ames a certain set of furniture, and told him that he desired to have one hundred sets of that furniture manufactured. Mr. Ames told him that he could not have the furniture manufactured unless he furnished the pattern. Mr. Emanuel told him that it was a useless expense, as he must already have the pattern. Mr. Ames said that the pattern belonged to N. P. Cole & Co., which statement on the part of Mr. Ames was false, as the agreement above referred to expressly conveys to the State the use of all the plans and patterns belonging to N. P. Cole & Co. in the workshops at San Quentin, and the State was then entitled to the use of all such patterns.

It is established by all the testimony given before your committee, that N. P. Cole & Co. are allowed by the Directors and Warden Ames a complete monopoly of the furniture department at San Quentin, and that said department is not being honestly operated, and run in the interest of the State, but especially for the benefit of the firm of N. P. Cole & Co.

The evidence shows that what has been said respecting the furniture department may also be



said respecting the harness department, and the tub and pail department, and all of the other shops which were operated under the old contract system. The old contractors still furnish the material and have their material manufactured by simply paying the cost of the free labor employed and the convict labor. The same foremen and superintendents now govern the shops which they governed under the contract system, and the old contractors, in every department, have each a monopoly of the business of such department.

With reference to the harness department, Mr. Calvin Ewing, foreman of the firm of Main & Winchester—a leading firm in the harness business in San Francisco—visited San Quentin in company with Mr. Emanuel, and sought information respecting the prices at which his firm could have harness manufactured at San Quentin, but he was rudely treated by the Warden, Mr. Ames, and denied any information on the subject. That the Board of Directors have permitted Warden Ames to sell all of the articles manufactured at the jute factory at private sale, or in such manner as he saw fit, and have exercised no control over him whatever.

We find that the Directors were authorized by an Act approved April 15, 1880, entitled "An Act to define, regulate, and govern the State Prisons of California," to purchase any clay lands suitable for brick making that lay contiguous to the San Quentin Prison grounds, not to exceed in value the sum of fifteen thousand dollars; that said Board did purchase brick land, and paid therefor the sum of fifteen thousand six hundred and sixteen dollars, and in doing so exceeded the authority conferred upon them by this statute; that said Board failed to make any record of their official acts or the acts of those employed or appointed by them to negotiate the purchase, and have made no record of any order authorizing the purchase of said brick lands.

The Board of Directors and Warden Ames have failed to keep copies of the correspondence relating to business of the most important character, such as the purchase of sixty thousand dollars worth of machinery in England; the sale of the property belonging to the State, the purchase of the brick lands, and, in fact, the history of nearly every important business transaction in which they have been engaged rests in the memory of the parties concerned.

Section four of "An Act to define, regulate, and govern the State Prisons of California," approved April 15, 1880, reads as follows: "The majority of the Board shall constitute a quorum for the transaction of business, but no order of the Board shall be valid unless it is entered in the journal, and concurred in by three members." Subdivision three of section five of the same Act requires the Directors to enter on their journal the result of all examinations, and of all other official acts, which shall be signed by the members present.

The Board has disregarded these provisions in nearly every instance, and it is very doubtful if a single legal order can be found in the entire record. The entire business of the Board has been transacted in such a way as would bring discredit upon any man of ordinary business capacity.

We find that the Directors named have been grossly negligent in the performance of the duties assigned to them; that they have violated nearly every section of the law made for their government and guidance, and several provisions of the Constitution of the State, and that their whole course is reprehensible and deserving of condemnation.

We herewith submit the evidence upon which this report has been founded and upon which these charges are based, and recommend that a copy of this report, together with the evidence taken before your committee, be transmitted to his Excellency George Stoneman, Governor of the State of California.

All of which is respectfully submitted.

PATRICK REDDY, Chairman.

Report ordered printed in pamphlet form.

#### ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, February 28, 1883.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 312—"An Act to amend section two thousand five hundred and eighty-seven of the Civil Code, relating to insurance policies, what the policies must contain and specify"—have had the same under consideration, and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 318—"An Act to add a new section to the Civil Code, to be known as section two thousand six hundred and fifty-six, relating to the contract of marine insurance, and specifying what the form of said contract of marine insurance shall be"—have had the same under consideration, and report the same back, without recommendation.

RYAN, Chairman.

#### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, February 27, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration, and do now report back to the Senate, Senate Bill No. 172—Entitled "An Act to amend section three thousand three hundred and eighty-four of an Act entitled 'An Act to establish a Political Code,' approved March 12, 1872, relative to licenses"—and recommend that it do not pass.

Also, Senate Bill No. 199—Entitled "An Act to amend section three hundred and ninety-

two, three hundred and ninety-three, three hundred and ninety-four, three hundred and ninety-five, three hundred and ninety-six, three hundred and ninety-seven, and three hundred and ninety-eight of the Act entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, relating to the venue in civil cases"—and recommend that it do not pass.

Also, Senate Bill No. 203—Entitled "An Act to amend section one thousand and seventy of the Penal Code of California, relating to challenges of jurors in criminal cases"—and recommend that it do not pass.

Also, Senate Bill No. 204—Entitled "An Act to amend section four hundred and ninety-six of an Act entitled 'An Act to establish a Penal Code,' approved February 14, 1872, relative to the punishment of receivers of stolen property"—and recommend its passage.

Also, Senate Bill No. 209—Entitled "An Act to amend sections three thousand five hundred and seventy-three and three thousand five hundred and seventy-four of the Civil Code, in relation to holidays"—and recommend its passage as amended.

Also, Senate Bill No. 219—Entitled "An Act to add two new sections to an Act entitled 'An Act to establish a Code of Civil Procedure,' to be known as sections five hundred and sixty and five hundred and sixty-one, relative to procedure in actions against non-residents"—and recommend its passage as amended.

Also, Senate Bill No. 322—Entitled "An Act to amend an Act entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, by adding a new section thereto, to be known as section nine hundred and sixty, relating to appeals"—and recommend its passage.

Also, Senate Bill No. 221—Entitled "An Act to amend section four hundred and twenty-seven of the Civil Code, to provide for the investment of the capital and accumulations of corporations organized under the laws of this State for the transaction of business in any kind of insurance"—and recommend its passage as amended in title.

Also, Senate Bill No. 222—Entitled "An Act to amend section three hundred and thirty-two of the Civil Code, to provide for the levying of assessments by corporations"—and recommend its passage as amended in title.

Also, Senate Bill No. 223—Entitled "An Act to add a new section to the Civil Code, to be known as section four hundred and twenty-one, relating to the advertisement of the capital of insurance corporations"—and recommend its passage as amended in title.

CROSS, Chairman.

Journal of yesterday read, corrected, and approved.

On motion, the notice to reconsider the vote by which Senate Bill No. 132 was passed, was indefinitely postponed.

In accordance with notice previously given, Mr. Vrooman moved to reconsider the vote by which Assembly Bill No. 140 was passed.

Mr. Del Valle moved to lay the motion on the table.

Carried.

The President ruled this action did not affect the status of the bill.

Mr. Taylor moved a call of the Senate.

Ayes and noes demanded on this motion, by Senators Vrooman, Routier, and Perry.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Brooks, Chandler, Cox, Fraser, Maddox, McClure, Perry, Routier, Taylor, Vrooman, Wallis, and Whitney—12.

NOES—Messrs. Baldwin, Buck, Cross, Del Valle, Fileher, Foster, Harrigan, Johnson, Keating, Kellogg, Knight, Lynch, Reynolds, Ryan, Spencer of Stanislaus, Sullivan, and Wolfskill—17.

Mr. Kellogg moved to take up Assembly Bill No. 130 out of order.

Carried.

Mr. Del Valle moved to reconsider the vote by which Assembly Bill No. 130 was taken up for consideration.

Carried.

Mr. Kellogg withdrew his motion.

#### MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills:

Senate Bill No. 52—An Act making appropriation for a deficiency in the appropriation for transportation of prisoners for the thirty-second fiscal year.

Also, Senate Bill No. 53—An Act making appropriation for a deficiency in the appropriations for transportation of insane for the thirty-second fiscal year.

Also, Senate Bill No. 54—An Act making appropriations for a deficiency in the appropriations for transportation of prisoners for the thirty-third fiscal year.

Also, Senate Bill No. 55—An Act making appropriation for a deficiency in the appropriation for transportation of insane for the thirty-third fiscal year.

M. C. HALEY, Chief Clerk.  
By G. W. HERBERT, Assistant Clerk.

Senate Bills Nos. 52, 53, 54, and 55 referred to the Committee on Enrollment.

Also the following:

ASSEMBLY CHAMBER, SACRAMENTO, February 27, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this twenty-sixth day of February, one thousand eight hundred and eighty-three, passed Assembly Bill No. 128—An Act to divide the State into Assembly Districts, and to provide for the election of Assemblymen therein.

M. C. HALEY, Chief Clerk.

On motion of Mr. Cross, Assembly Bill No. 128 was referred to the Committee on Apportionment and Representation, with instructions to report the bill forthwith, and without recommendation.

Also the following:

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 356—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, and to repeal section two thousand five hundred and thirty-four of said Code, all of said sections relating to the Board of State Harbor Commissioners, their powers and duties.

M. C. HALEY, Chief Clerk.

Mr. Lynch moved that Assembly Bill No. 356 be placed on file and read the first time.

Ayes and noes demanded on the motion by Senators McClure, Brooks, and Maddox.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Cross, Del Valle, English, Fileher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Knight, Lyneh, Maddox, Murphy, Reynolds, Sullivan, Taylor, and Wolfskill—20.

NOES—Messrs. Chandler, Fraser, McClure, Perry, Routier, Speneer of Stanislaus, Vrooman, Wallis, and Whitney—9.

So ordered.

Assembly Bill No. 356—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, and to repeal section two thousand five hundred and thirty-four of said Code, all of said sections relating to the Board of State Harbor Commissioners, their powers and duties.

Read first time, and placed on file for second reading.

REPORT OF COMMITTEE—(OUT OF ORDER).

ON APPORTIONMENT AND REPRESENTATION.

SENATE CHAMBER, SACRAMENTO, February 28, 1883.

MR. PRESIDENT: Your Committee on Apportionment, to whom was referred Assembly Bill No. 128—Entitled "An Act to divide the State into Assembly Districts, and to provide for the

election of Assemblymen therein"—have had the same under consideration, and now report the same back as instructed, without recommendation.

SULLIVAN, Chairman.

Mr. Ryan moved to take up Assembly Bill No. 130 out of order.

Mr. Vrooman moved to amend, by substituting Assembly Bill No. 143 for Assembly Bill No. 130.

Amendment ruled out of order.

Ayes and noes demanded on the original motion by Senators Perry, Vrooman, and McClure.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Brooks, Buck, Cox, Cross, Del Valle, English, Filcher, Fraser, Johnson, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, McClure, Murphy, Nelson, Reddy, Reynolds, Ryan, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—27.

NOES—Messrs. Keating and Perry—2.

Assembly Bill No. 130—An Act to divide the State into Senatorial Districts and to provide for the election of Senators therein.

#### SECOND READING—(RESUMED).

Mr. Whitney offered the following substitute for section seventeen:

Section 17. That portion of the County of Alameda bounded as follows: Oakland Township, outside of the city, and First and Second Wards, and second precinct of the Third Ward of the City of Oakland, described as follows: Beginning at the intersection of the northerly line of the estuary San Antonio with the center line of Adeline Street, if extended southerly; thence northerly along Adeline Street to Tenth Street; thence easterly along Tenth Street to Brush Street; thence northerly along Brush Street to Twentieth Street; thence easterly along Twentieth Street to Lake Merritt; thence northerly along the western shore of said lake to the charter line of said City of Oakland; thence southerly and easterly along said charter line to the boundary line between Oakland and Brooklyn Townships; thence northeasterly along the line between said townships to the boundary line between the Counties of Alameda and Contra Costa; thence northerly and westerly along the boundary of Contra Costa to the bay of San Francisco; thence southerly along the shore of said bay to the place of beginning, shall comprise the Twenty-seventh Senatorial District.

After debate, the ayes and noes were demanded on this amendment by Senators Vrooman, Perry, and Whitney.

Roll called, and the amendment lost by the following vote:

AYES—Messrs. Chandler, Cox, Fraser, McClure, Perry, Routier, Vrooman, Wallis, Whitney, and Wolfskill—10.

NOES—Messrs. Baldwin, Brooks, Buck, Del Valle, Filcher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, Murphy, Reddy, Reynolds, Spencer of Stanislaus, Sullivan, and Taylor—20.

Mr. Whitney moved to amend section eighteen, by inserting the following as a substitute for the section as contained in the bill:

That portion of the County of Alameda bounded as follows: First Precinct Third Ward, and Fourth, Fifth, Sixth, and Seventh Wards of the City of Oakland, described as follows: Beginning at the intersection of the center line of Broadway produced with the boundary line of Oakland and Alameda Townships; thence westerly along said township line to Adeline Street; thence northerly along Adeline Street to Tenth Street; thence easterly along Tenth Street to Brush Street; thence northerly along Brush Street to Twentieth Street; thence easterly along Twentieth Street to Lake Merritt; thence northerly along Lake Merritt to the charter line of the City of Oakland; thence southerly and easterly along the charter line of said city, and following the same to the boundary of Alameda Township to the place of beginning, shall comprise the Eighteenth Senatorial District.

Ayes and noes demanded on the amendment by Senators Fraser, Vrooman, and Whitney.



Roll called, and the amendment lost by the following vote:

AYES—Messrs. Fraser, McClure, Perry, Routier, Vrooman, Wallis, and Whitney—7.

NOES—Messrs. Baldwin, Brooks, Buck, Del Valle, English, Filcher, Foster, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, Murphy, Nelson, Reynolds, Ryan, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—22.

Pending the discussion of an amendment to section eighteen of this bill the hour arrived, and the President declared a recess.

#### REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Mr. McClure arose to a question of privilege.

He read from the San Francisco Examiner a report of his action in connection with the oilcomargarine bill, which he pronounced as incorrect, and made a personal explanation in connection therewith.

Senator Johnson in the chair.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Kellogg: A resolution allowing J. M. Brooks per diem and mileage for the entire session.

Referred to Committee on Contingent Expenses and Mileage.

Also, a resolution appropriating two thousand six hundred and sixty-six dollars and eighty cents to pay J. M. Brooks for expenses incurred in his contest against George Steele, for the seat in the Senate from the Third Senatorial District.

Referred to Committee on Contingent Expenses and Mileage.

By Mr. Reddy:

*Resolved*, That the Committee on Judiciary be instructed to report Assembly Bill No. 308 back to the Committee on Corporations forthwith, and that the Committee on Corporations report said bill back to the Senate, at ten o'clock to-morrow morning.

After debate the resolution was adopted.

Mr. Filcher asked leave to introduce a resolution.

Mr. Ryan objected.

By consent, the resolution was read for information, as follows:

WHEREAS, Section thirty-two, article four, of the Constitution, provides that the Legislature shall have no power to grant any extra compensation or allowance to any public officer, agent, or servant after service has been rendered or a contract has been entered into; therefore, be it

*Resolved*, That all resolutions or propositions, in whatever form, increasing the salary of the attachés of the Senate, or providing for extra compensation to said attachés, shall be at once declared out of order.

Before the question was put as to whether the Senate should consider the resolution, Mr. Ryan moved that the question should be passed temporarily.

Ayes and noes demanded.



Roll called, and the motion lost by the following vote:

AYES—Messrs. Baldwin, Cox, English, Fileher, Foster, Johnson, Kelly of San Francisco, Lynch, Maddox, Murphy, Nelson, Reynolds, Ryan, Spencer of Stanislaus, Sullivan, and Taylor—16.

NOES—Messrs. Brooks, Chandler, Cronan, Dougherty, Fraser, Harrigan, Keating, Kellogg, Knight, McCarthy, McClure, Perry, Routier, Vrooman, Wallis, Whitney, and Wolfskill—17.

Mr. McCarthy moved to lay the question of considering this resolution on the table.

Ayes and noes on this motion demanded by Senators Filcher, McCarthy, and Maddox.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Brooks, Cox, Cross, Dougherty, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, McCarthy, McClure, Perry, Reddy, Reynolds, Routier, Ryan, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—24.

NOES—Messrs. Baldwin, Chandler, Cronan, English, Fileher, Lynch, Maddox, and Nelson—8.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

ON IRRIGATION, WATER RIGHTS, DRAINAGE, AND MINING DEBRIS.

SENATE CHAMBER, SACRAMENTO, February 28, 1883.

MR. PRESIDENT: Your Committee on Irrigation, Water Rights, Drainage, and Mining Debris, to whom was referred Senate Bill No. 139—An Act to amend an Act entitled "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers," approved March 29, 1878—have had the same under consideration, and now report the same back to the Senate, and recommend that it do not pass.

Also, Senate Bill No. 257—An Act to provide for a system of irrigation, and for the organization of irrigation districts—and report the same back to the Senate, with the recommendation that it do not pass.

Also, Senate Bill No. 179—An Act to regulate and control the sale, rental, and distribution of appropriated water in this State other than in any city, city and county, or town therein, and to secure rights of way for the conveyance of such water to the places of use—and now report the same back to the Senate without recommendation.

ENGLISH, Chairman.

#### SPECIAL FILE.

Assembly Bill No. 130.

Second reading resumed.

On motion of Mr. Del Valle, section eighteen was amended by inserting the word "second" between the words "the" and "third," in line two.

Mr. Perry offered an amendment to section twenty.

Lost.

On motion of Mr. Sullivan, section twenty-three was amended by inserting after the word "thence," in line seven, the words "northerly and easterly," and by inserting the words "and the Bay of San Francisco" before the words "to the place of beginning," in line eight.

Section twenty-eight amended by inserting after the word "eighteenth," in line seven, the words "thence along Eighteenth Street to its western limit," and by inserting after the word "shore," in line ten, the words "of the ocean."

Section twenty-nine amended by inserting after the word "avenue," in line four, the words "to its eastern limit," and by inserting after the word "shore," in line eight, the word "southerly," and by inserting after the word "thence," in line eleven, the word "northerly."

On motion of Mr. Reddy, section thirty-seven was amended so as to read as follows: The Counties of Inyo, Tulare, and Kern shall constitute the Thirty-sixth Senatorial District.

On motion of Mr. Reddy, section thirty-eight was amended so as to read as follows: The Counties of San Luis Obispo, Santa Barbara, and Ventura, shall constitute the Thirty-seventh Senatorial District.

On motion of Mr. Del Valle, section thirty-nine was amended so as to read as follows: That portion of the County of Los Angeles consisting of the City and Township of Los Angeles, and the Townships of Soledad, San Fernando, La Ballona, and San Antonio, shall constitute the Thirty-eighth Senatorial District.

On motion of Mr. Del Valle, section forty-one was amended by striking out the words "County of Inyo."

Mr. McClure offered the following amendment to section forty-two: Amend by striking out section forty-two and insert in lieu thereof the following:

At the general election in the year eighteen hundred and eighty-four there shall be elected forty Senators, one from each Senatorial District. The term of those elected from the odd numbered districts in the year eighteen hundred and eighty-four shall hold office for two years. Their successors shall be elected in the year eighteen hundred and eighty-six, and every four years thereafter. The Senators elected from the even numbered districts shall hold office for four years. Their successors shall be elected in the year eighteen hundred and eighty-eight, and every four years thereafter.

Ayes and noes demanded on the amendment offered by Mr. McClure, by Senators McClure, Perry, and Vrooman.

Roll called, and the amendment lost by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cross, Foster, Fraser, Lynch, Maddox, McClure, Perry, Reynolds, Routier, Spencer of Stanislaus, Vrooman, Wallis, and Whitney—16.

NOES—Messrs. Brooks, Buck, Cronan, Del Valle, Dougherty, English, Filcher, Harrigan, Keating, Kelly of San Francisco, Kellogg, Knight, McCarthy, Murphy, Nelson, Reddy, Ryan, Sullivan, Taylor, and Wolfskill—20.

Mr. Murphy moved to amend section forty-two, by inserting, between the figures "42" and the word "at," the following:

At the general election in the year eighteen hundred and eighty-four, there shall be elected from the odd numbered districts, according to the apportionment of an Act entitled "An Act to define the Senatorial and Assembly Districts of this State and to apportion the representation thereof," approved March 16, 1874, twenty Senators.

After debate, the ayes and noes were demanded on the amendment, by Senators English, Perry, and Vrooman.

Roll called, and the amendment lost by the following vote:

AYES—Messrs. Baldwin, Lynch, McClure, Murphy, Perry, Routier, Vrooman, and Wallis—8.

NOES—Messrs. Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Maddox, McCarthy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Whitney, and Wolfskill—30.

Mr. Del Valle moved to amend section forty-two, by striking out the words "term of those," in third line, and insert the word "Senators."

Adopted.

Mr. Cross moved to add a new section, to be known as section forty-five, as follows:

Section 45. This Act shall take effect July first, one thousand eight hundred and eighty-six.

Adopted.

Assembly Bill No. 130—Ordered engrossed and to a third reading.  
On motion of Mr. Del Valle, Assembly Bill No. 130 was made a special order for Thursday, March first, eighteen hundred and eighty-three, at two o'clock and thirty minutes P. M.

# MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, February 28, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-seventh day of February, A. D. eighteen hundred and eighty-three, passed the following:

Senate Bill No. 45—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as section three thousand eight hundred and seventeen, relating to redemption of lands sold to the State for delinquent taxes.

Also, Assembly Concurrent Resolution No. 50—Instructing the State Engineer to report to the Governor on or before January first, eighteen hundred and eighty-four, matters relating to the subject of irrigation, etc.

And that the Assembly, on the twenty-seventh day of February, refused a first reading to the following Senate Bills:

Senate Bill No. 48—An Act to amend section three hundred and fifty-nine of the Civil Code, in relation to corporations.

Also, Senate Bill No. 28—An Act to amend section three hundred and twenty-four of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to corporations.

Also, Senate Bill No. 81—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as section seven hundred and fifteen, relating to security to keep the peace, undertakings therefor, and discharge from imprisonment.

Also, Senate Bill No. 22—An Act to amend section six hundred and eighty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to property claimed by a third party which has been levied on under execution.

Also, Senate Bill No. 29—An Act to amend section one thousand four hundred and five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to succession.

Also, Senate Bill No. 35—An Act to amend sections three hundred and twelve and three hundred and fifteen of an Act to establish a Civil Code, approved March 21, 1872, relating to corporations.

Also, Senate Bill No. 34—An Act to amend section sixty of "An Act to establish a Civil Code," approved March 21, 1872, relating to void and illegal marriages.

And herewith return the same to the Senate.

M. C. HALEY, Chief Clerk.

Senate Bill No. 45—Referred to Committee on Enrolled Bills.

Assembly Concurrent Resolution No. 50—Instructing the State Engineer to report to the Governor, on or before January first, eighteen hundred and eighty-four, matters relating to the subject of irrigation, etc.

Adopted.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, ———, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-seventh day of February, A. D. eighteen hundred and eighty-three, passed the following bill: Assembly Bill No. 331—An Act to amend sections four, six, seven, and eight, and to repeal sections five, nine, and ten of an Act approved March 17, 1880, entitled "An Act to amend section six of an Act entitled 'An Act concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners."

Also, adopted Assembly Concurrent Resolution No. 38—Directing the State Engineer to prepare a correct description of the boundaries of all the counties of the State of California.

Also, on this day passed the following bills: Senate Bill No. 185—An Act to provide for the classification of municipal corporations.

Also, Senate Bill No. 50—An Act to provide for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities.

M. C. HALEY, Chief Clerk.

By G. W. HERBERT, Assistant Clerk.

Assembly Bill No. 331—Referred to Committee on Commerce and Navigation.

Assembly Concurrent Resolution No. 38—Referred to Committee on Counties, County Governments, and Township Organizations.

Senate Bills Nos. 185 and 50—Referred to Committee on Enrolled Bills.

REPORT OF COMMITTEE—(OUT OF ORDER).

ON ENGROSSED BILLS.

SENATE CHAMBER, February 28, 1883.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred Senate Bills Nos. 288, 327, and 355—have examined the same, and find them properly engrossed.

NELSON, Chairman.

Mr. Keating moved to take up Assembly Bill No. 247 out of order. Ayes and noes demanded on the motion by Senators Routier, Perry, and Reynolds.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Buck, Chandler, Cronan, Dougherty, English, Fraser, Harrigan, Keating, Kellogg, McCarthy, McClure, Nelson, Perry, Routier, Vrooman, and Wallis—16.

NOES—Messrs. Baldwin, Cox, Del Valle, Filcher, Foster, Johnson, Kelly of San Francisco, Maddox, Reddy, Reynolds, Spencer of Napa, Taylor, Whitney, and Wolfskill—14.

ADJOURNMENT.

At five o'clock P. M., on motion of Mr. Maddox, the Senate adjourned.

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IN SENATE.

SENATE CHAMBER, }  
Thursday, March 1, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of yesterday read and approved.

Mr. Perry requested that the amendment which he offered yesterday to section twenty of Assembly Bill No. 130, should appear in full in the Journal.

Request granted.

Amendment offered to Assembly Bill No. 130 by Mr. Perry: Amend section twenty so as to read as follows:

Section 20. That portion of the City and County of San Francisco bounded as follows: Commencing at the intersection of the center of Pacific and Larkin Streets, thence along the

center of Larkin Street to the waters of the Bay of San Francisco, thence along the shore of said bay, together with the islands in the Bay of San Francisco, to the intersection of Pacific Street, thence along the center of Pacific Street to the place of beginning, shall constitute the Nineteenth Senatorial District.

#### PETITIONS.

By Mr. Johnson: Petition from the California Silk Culture Association, signed by three hundred persons, requesting State aid and assistance for the encouragement of the silk industry.

Referred to Committee on Agriculture.

#### REPORTS OF COMMITTEES.

##### ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 1, 1883.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 103—"An Act to amend section one thousand eight hundred and eighty of the Political Code," relating to elections upon the question of the issuing of bonds of school districts for the purpose of raising money for school purposes—have had the same under consideration, and now report it back, with the recommendation that it do pass.

JOHNSON, Chairman.

##### ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, February 28, 1883.

MR. PRESIDENT: Your Committee on State Hospitals and Asylums have had under consideration Senate Bill No. 340, and hereby report the same back, with the recommendation that it do pass.

KNIGHT, Chairman.

#### MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-eighth day of February, A. D. eighteen hundred and eighty-three, passed Assembly Bill No. 509—An Act to provide for the organization, incorporation, and government of municipal corporations. [Identical with Senate Bill No. 90.] (Introduced on behalf of Joint Committee on Municipal Corporations, and in lieu of Assembly Bills Nos. 92, 238, 248, and 455.)

M. C. HALEY, Chief Clerk.

By G. W. HERBERT, Assistant Clerk.

Placed on file for first reading.

#### SPECIAL FILE—(FIRST READING).

Mr. Whitney moved that Assembly Bill No. 128 be passed temporarily.

Lost.

Assembly Bill No. 128—An Act to divide the State into Assembly Districts and to provide for the election of Assemblymen therein.

Prior to the reading of this bill, Mr. Whitney offered a protest signed by several Senators against the consideration of this bill.

On motion of Mr. Kellogg, the protest was ordered recorded in the Journal.

#### PROTEST.

The undersigned protest against the consideration at the present time by this Senate of Assembly Bill No. 128—"An Act to divide the State into Assembly Districts, and to provide for the election of Assemblymen therein," on the ground that said bill was not passed by the Assembly by the constitutional majority, as appears by Assembly Journal of Monday, February twenty-sixth, eighteen hundred and eighty-three, page four; and that the attempted passage of said bill, by ordering the Journal to be corrected, as shown on page three of the minutes of the Assembly of Tuesday, February twenty-seventh, eighteen hundred and eighty-three, page three, was done notwithstanding the protest of a large number of said House, as appears on



page nine of the last named day's Journal, and without any evidence having been presented that the previous day's Journal was erroneous in fact in the particular named.

GEORGE E. WHITNEY.  
DAVID McCLURE.  
HENRY VROOMAN.  
THOMAS FRASER.  
GEORGE H. PERRY.  
J. ROUTIER.  
A. L. CHANDLER.  
H. W. WALLIS.

Assembly Bill No. 128—Read first time, and on motion of Mr. Del Valle, this bill was made a special order for Friday, March second, eighteen hundred and eighty-three, immediately after the reading of the Journal.

On motion of Mr. Reddy, the Committee on Corporations were granted one day's further time to report on Assembly Bill No. 308.

#### REPORTS OF COMMITTEES—(OUT OF ORDER).

##### ON ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 1, 1883.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred amended Assembly Bill No. 130, have examined the same, and find it properly engrossed.

NELSON, Chairman.

##### ON ENROLLED BILLS.

SENATE CHAMBER, SACRAMENTO, March 1, 1883.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bills Nos. 52, 53, 54, and 55, and that the same have been placed in the hands of the Governor.

HARRIGAN, Chairman.

#### SPECIAL FILE—(RESUMED).

Assembly Concurrent Resolution No. 21—Relative to proposed amendment to section nine, article thirteen, of the Constitution.

First reading refused.

On motion of Mr. Johnson, Senate Bill No. 372 was placed on the special file for first reading.

On motion of Mr. Chandler, Assembly Bill No. 32 was placed on the special file for first reading.

On motion of Mr. Perry, Senate Bill No. 381 was placed on the special file for first reading.

#### MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the following resolution:

*Resolved*, That the Senate be and is hereby requested to return to the Assembly, for further consideration by said body, Assembly Bill No. 356—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, and to repeal section two thousand five hundred and thirty-four of said Code, all of said sections relating to the Board of State Harbor Commissioners, their powers and duties.

M. C. HALEY, Chief Clerk.  
By G. W. HERBERT, Assistant Clerk.

On motion, the request of the Assembly was granted.

On motion of Mr. Kellogg, all action of the Senate on Assembly Bill No. 356 was hereby rescinded.

SPECIAL FILE—(RESUMED).

Assembly Bill No. 32—An Act to establish a State Board of Horticulture, and appropriate moneys for the expense thereof.

Read first time, and placed on file for second reading.

Senate Bill No. 372—An Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof.

Read first time.

Mr. Johnson moved that the rule relating to the reading of bills on three several days, in conformity with section fifteen of article four of the Constitution, be suspended, Senate Bill No. 372 be declared a case of urgency, and read the second time.

Pending the vote on this motion, Mr. Kellogg moved a call of the Senate.

Carried.

CALL OF THE SENATE.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Buck, Chandler, Cross, Del Valle, Filcher, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Maddox, McClure, Perry, Reynolds, Routier, Spencer of Napa, Spencer of Stanislaus, Sullivan, Vrooman, Whitney, and Wolfskill.  
Excused—Messrs. Cox, English, Kelley of Solano, Langford, Murphy, Nelson, Ryan, and Wallis.

The Sergeant-at-Arms was furnished a list of absentees, and the doors closed.

The Sergeant-at-Arms appeared and announced that Senator Reddy was without, desiring admittance.

On motion, Senator Reddy was admitted, and afterwards excused.

Mr. Vrooman moved to dispense with further proceedings under the call of the Senate.

Carried.

At twelve o'clock and twenty minutes P. M., Mr. Vrooman moved that the Senate take a recess until two o'clock P. M.

Lost.

RECESS.

Pending the discussion on the motion of Mr. Johnson, the hour arrived and the President declared a recess.

REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Buck, Chandler, Cronan, Cross, Del Valle, Dougherty, Filcher, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, McClure, Perry, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

## SPECIAL ORDER.

Consideration of the Governor's message relative to appointments.

Mr. Taylor moved to postpone the consideration until Wednesday, March seventh, eighteen hundred and eighty-three, at two o'clock P. M.

Ayes and noes demanded by Senators McCarthy, Vrooman, and Harrigan.

Roll called, with the following result:

AYES—Messrs. Baldwin, Brooks, Buck, Cox, Cross, Del Valle, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, Murphy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—28.

NOES—Messrs. Chandler, Cronan, Fraser, McCarthy, McClure, Perry, Routier, Vrooman, Wallis, and Whitney—10.

So ordered.

## SPECIAL FILE—(RESUMED).

On the motion of Mr. Johnson to suspend the provisions of the Constitution, the roll was called with the following result:

AYES—Messrs. Brooks, Chandler, Cross, Del Valle, Dougherty, Foster, Johnson, Kellogg, Knight, Langford, Lynch, McCarthy, Perry, Reddy, Reynolds, Routier, Spencer of Napa, Sullivan, Taylor, Wallis, Whitney, and Wolfskill—22.

NOES—Messrs. Buck, Cronan, Filcher, Fraser, Harrigan, Kelly of San Francisco, Maddox, McClure, Nelson, Spencer of Stanislaus, and Vrooman—11.

The Chair ruled that it required a vote of two thirds of all the members elected to suspend the provisions of the Constitution, and declared the motion lost.

Mr. Taylor moved to take up Assembly messages out of order.

Ayes and noes demanded by Senators Taylor, Reynolds, and Harrigan.

Roll called.

Question being raised on the right of the members of the Finance Committee to vote, when they entered the Senate after their names were called, the Chair decided that as they were in the service of the Senate they had the same rights as though within the bar of the Senate, and ordered their votes recorded.

Mr. Vrooman appealed from the decision of the Chair.

Upon the question: "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded by Senators Vrooman, Perry, and McClure.

Roll called, and the ruling of the Chair sustained by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Cox, Cronan, Cross, Del Valle, English, Filcher, Foster, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, Murphy, Nelson, Reddy, Reynolds, Routier, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Wallis, and Wolfskill—28.

NOES—Messrs. Fraser, McCarthy, McClure, Perry, Ryan, Vrooman, and Whitney—7.

Mr. English moved that a new roll-call be taken on the motion to take up Assembly messages.

Carried.

Roll called, and the motion of Mr. Taylor to take up Assembly messages carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Cox, Cross, Del Valle, English, Filcher, Foster, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Lyneh, Maddox, Murphy, Nelson, Reddy, Reynolds, Speneer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—25.

NOES—Messrs. Fraser, McCarthy, McClure, Perry, Routier, Ryan, Vrooman, Wallis, and Whitney—9.

#### MESSAGES FROM THE ASSEMBLY—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, ———, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-eighth day of February, A. D. eighteen hundred and eighty-three, passed Assembly Bill No. 356—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, and to repeal section two thousand five hundred and thirty-four of said Code, all of said sections relating to the Board of State Harbor Commissioners, their powers and duties.

M. C. HALEY, Chief Clerk.

By G. W. HERBERT, Assistant Clerk.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-eighth day of February, A. D. eighteen hundred and eighty-three, adopted Assembly Concurrent Resolution No. 20—In relation to the appointment of Captain John Mullan, of San Francisco, agent and attorney to represent the State of California at Washington, and providing for his compensation.

Also, on this day, adopted Assembly Concurrent Resolution No. 51—Relative to the preservation of the forests of the State of California.

M. C. HALEY, Chief Clerk.

By G. W. HERBERT, Assistant Clerk.

Mr. Taylor moved that Assembly Bill No. 356 be placed on file and read first time.

Mr. McClure moved to refer the bill to the Committee on Commerce and Navigation, with instructions to report to-morrow.

Mr. Cross moved to amend, by instructing the Chairman to report forthwith.

Amendment adopted.

Motion of Mr. McClure as amended adopted, and the bill so referred.

Assembly Concurrent Resolution No. 51—Relative to the preservation of the forests of the State of California.

Adopted.

Assembly Concurrent Resolution No. 20—In relation to the appointment of Captain John Mullan of San Francisco, agent and attorney to represent the State of California at Washington, and providing for his compensation.

Adopted.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

Your Chairman of Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 356, respectfully states that he has had the same under consideration, and reports the same back, with a recommendation that it do pass.

LYNCH, Chairman.

After discussion, by consent, Mr. Lynch was allowed to withdraw this report.

Committee on Commerce and Navigation granted permission to retire.

## MESSAGES FROM THE ASSEMBLY—(RESUMED).

ASSEMBLY CHAMBER, SACRAMENTO, March 1, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills:

Senate Bill No. 355—An Act to amend an Act entitled "An Act to create Hastings' College of the Law in the University of the State of California," approved March 26, 1878.

Also, Senate Bill No. 188—An Act to repeal an Act entitled "An Act to authorize the State Board of Examiners to invest the moneys derived from State school lands in the bonds of the several counties of this State," approved February 2, 1872.

Also, Senate Bill No. 189—An Act to amend sections six hundred and eighty and six hundred and eighty-two, and to repeal section six hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the investment of the proceeds of the sale of State school lands.

Also, Assembly Bill No. 440—An Act to provide for the disposal of moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings.

M. C. HALEY, Chief Clerk.

By G. W. HERRERT, Assistant Clerk.

Senate Bills Nos. 355, 188, and 189—Referred to Committee on Enrolled Bills.

Assembly Bill No. 440—Referred to Committee on Education.

## SPECIAL ORDER FOR TWO O'CLOCK AND THIRTY MINUTES P. M.

Assembly Bill No. 130—An Act to divide the State into Senatorial Districts and to provide for the election of Senators therein.

Read third time.

Mr. Cross moved a call of the Senate.

Carried.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Buek, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Kelly of San Francisco, Kellogg, Knight, Langford, Maddox, McClure, Murphy, Perry, Reddy, Reynolds, Ryau, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, and Wolfskill.

Mr. Vrooman moved that further proceedings under the call of the Senate be dispensed with.

Carried.

Roll called on the passage of Assembly Bill No. 130, and the bill passed by the following vote:

AYES—Messrs. Brooks, Buek, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Filcher, Foster, Fraser, Harrigan, Kelly of San Francisco, Kellogg, Knight, Langford, Maddox, McClure, Murphy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, and Wolfskill—29.

NOES—Messrs. Perry, Rontier, and Wallis—3.

Title read and approved.

Mr. Del Valle moved to proceed to the third reading of bills on the special file.

Lost.

## RESOLUTION—(OUT OF ORDER).

By Mr. Dougherty:

*Resolved*, That Joseph Van Praag be and is hereby allowed the sum of sixty dollars for extra work as Porter for the committee rooms for the present session, said amount to be paid out of the Contingent Fund of the Senate.

Referred to Committee on Contingent Expenses and Mileage.



## REPORT OF COMMITTEE—(OUT OF ORDER).

ON COUNTIES, COUNTY GOVERNMENTS, AND TOWNSHIP ORGANIZATION.

SENATE CHAMBER, SACRAMENTO, March 1, 1883.

MR. PRESIDENT: Your Committee on Counties, County Governments, and Township Organizations have had under consideration Assembly Bill No. 23—An Act to supply and correct omissions by Boards of Supervisors in carrying out the provisions of sections four thousand one hundred and six and four thousand one hundred and seven of the Political Code of the State of California, concerning elections—and do now report the same back, and recommend that it do pass.

Also, Senate Bill No. 180—An Act to authorize the levy and collection of business licenses, and to punish a failure to procure the same—and recommend that it do pass.

Also, Senate Bill No. 166—An Act to amend section twenty-three of an Act entitled "An Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto," approved March 5, 1870, relative to fees of office and salaries of certain officers—and recommend that it do pass.

Also, Senate Bill No. 167—An Act to amend an Act entitled "An Act to amend an Act to regulate fees of office," approved March 5, 1870, approved April 4, 1870, relating to the official fees and charges of Justices of the Peace—and recommend that it do pass.

Also, Senate Bill No. 187—An Act to create the County of Los Alamos, to define the boundaries thereof, to determine the county seat by an election, and to provide for its organization and funds for its support, by the issue of bonds, or otherwise—and report the same back without recommendation.

DENNIS SPENCER, Chairman.

Mr. Spencer of Napa gave notice that, on the following day, he should move for a reconsideration of the vote whereby Assembly Concurrent Resolution No. 21 was refused a first reading.

## SPECIAL FILE RESUMED—(FIRST READING).

Assembly Bill No. 509—An Act to provide for the organization, incorporation, and government of municipal corporations. [Identical with Senate Bill No. 90.]

Mr. Johnson moved that the provisions of section fifteen of article four of the Constitution be suspended, this bill be declared a case of urgency, and its first reading at length be dispensed with.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Kellogg, Knight, Langford, McClure, Reddy, Reynolds, Routier, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, and Wolfskill—28.

NOES—Messrs. Cross and Perry—2.

So ordered.

Mr. Johnson moved that the provisions of the Constitution and the rules be further suspended, this bill be declared a case of urgency, and the bill be considered read the second time.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Cronan, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Langford, Murphy, Reddy, Reynolds, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—21.

NOES—Messrs. Chandler, Del Valle, Fraser, Maddox, McClure, Perry, Routier, Spencer of Napa, Vrooman, and Wallis—10.

Assembly Bill No. 509—Second reading commenced.

Mr. Vrooman moved that further reading of this bill be deferred until to-morrow, immediately after the consideration of the special order following the reading of the Journal.

Lost.

Assembly Bill No. 509 read as far as and including section twenty-six.

Mr. McClure moved to amend section twenty-six, subdivision first, by striking out the word "four," in line four, printed bill, and insert in lieu thereof the word "five."

Lost.

Also, subdivision sixteen of section twenty-six, to read as follows :

The salary of each of the Prosecuting Attorneys of the Police Courts shall be twenty-four hundred dollars per annum; and assistants of such Prosecuting Attorneys shall each receive a salary of one thousand five hundred dollars per annum.

Lost.

Mr. Vrooman moved to reconsider the vote by which this amendment was lost.

Motion lost.

Mr. Kellogg moved to reconsider the vote by which the Senate refused to suspend the rules and dispense with the second reading of this bill.

Ruled out of order.

Mr. Johnson moved that the further reading of this bill be dispensed with, the rules suspended, the bill considered read the second time, and the bill be placed on the third reading special file.

Ayes and noes demanded on this motion by Senators Ryan, McClure, and Vrooman.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Brooks, Buck, Cronan, Dougherty, Filcher, Foster, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, Nelson, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Whitney, and Wolfskill—23.

NOES—Messrs. Baldwin, Chandler, Cross, Fraser, McCarthy, McClure, Perry, Routier, Ryan, Vrooman, and Wallis—11.

Upon the question: "Shall this bill be considered engrossed and read a third time?" the ayes and noes were demanded by Senators Vrooman, Perry, and McClure.

Roll called, with the following result:

AYES—Messrs. Brooks, Buck, Cronan, Cross, Dougherty, Filcher, Foster, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, Nelson, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Whitney, and Wolfskill—24.

NOES—Messrs. Baldwin, Chandler, Del Valle, Fraser, McClure, Perry, Routier, Ryan, Vrooman, and Wallis—10.

Mr. Kellogg moved that the third reading of this bill be made a special order for Friday, March second, eighteen hundred and eighty-three, at two o'clock P. M.

Carried.

The Chairman of the Committee on Commerce and Navigation offered a report from that committee.

Mr. Vrooman objected.

The Chair ruled that the Committee were under instructions to report, and that the objection was out of order.

#### REPORT OF COMMITTEE.

ON COMMERCE AND NAVIGATION—(MAJORITY REPORT).

SENATE CHAMBER, SACRAMENTO, March 1, 1883.

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 356—An Act to amend sections two thousand five hundred and twenty, two

thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, and to repeal section two thousand five hundred and thirty-four of said Code, all of said sections relating to the Board of State Harbor Commissioners, their powers and duties—have had the same under consideration, and report the same back with amendments, and recommend its passage as amended.

PIERCE H. RYAN.  
T. MCCARTHY.  
GEO. E. WHITNEY.

MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, March 1, 1883.

MR. PRESIDENT: The undersigned, a minority of the Committee on Commerce and Navigation, report back for passage Assembly Bill No. 356, with amendments.

JEREMIAH LYNCH.  
T. K. NELSON.

Mr. Taylor moved that the rules be suspended, and Assembly Bill No. 356 be read the first time.

After debate, the ayes and noes were demanded on this motion by Senators Perry, Routier, and Kelly of San Francisco.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, Murphy, Nelson, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—28.

NOES—Messrs. Chandler, Fraser, McCarthy, McClure, Perry, Routier, Ryan, Vrooman, Wallis, and Whitney—10.

Assembly Bill No. 356—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, to repeal section two thousand five hundred and thirty-four of said Code, and to add a new section thereto, to be known as section two thousand five hundred and fifty-four, and to repeal certain sections of an Act approved March 17, 1880, entitled "An Act to amend section six of an Act entitled 'Concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers on the Board of State Harbor Commissioners," all of said sections relating to the Board of State Harbor Commissioners, their powers and duties.

Pending the reading of this bill, Mr. McClure moved to suspend the rules, and consider this bill as read the first time.

Lost.

Bill read first time.

Mr. Taylor moved that further consideration of this bill be made a special order for Friday, March second, eighteen hundred and eighty-three, at eleven o'clock A. M.

Ayes and noes demanded on the motion, by Senators McClure, Vrooman, and Perry.

Roll called, with the following result:

AYES—Messrs. Baldwin, Brooks, Buck, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Kelly of San Francisco, Knight, Langford, Lynch, Maddox,

Murphy, Nelson, Reddy, Reynolds, Spencer of Napa, Speneer of Stanislaus, Sullivan, Taylor, and Wolfskill—27.

NOES—Messrs. Chandler, Fraser, McClure, Perry, Routier, Ryan, Vrooman, Wallis, and Whitney—9.

So ordered.

Mr. McClure gave notice that on the following day he should move for a reconsideration of the vote whereby the consideration of the Governor's appointments was postponed until Wednesday, March seventh, eighteen hundred and eighty-three.

#### ADJOURNMENT.

At six o'clock and twenty minutes P. M., on motion of Mr. Dougherty, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Friday, March 2, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Fileher, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, McCarthy, McClure, Murphy, Nelson, Perry, Reynolds, Routier, Ryan, Speneer of Napa, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Journal of yesterday read and approved.

Senator Wallis requested that his name be added as a signer of the protest presented on the previous day by Senator Whitney.

Request granted.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Kellogg:

*Resolved*, That the State Printer be, and he is hereby requested and authorized, to have printed for the use of the Senate, five hundred copies of the law approved February twenty-eighth, eighteen hundred and eighty-three, relating to roads and highways.

Adopted.

Committee on Finance granted temporary leave of absence.

Senator Spencer of Stanislaus granted leave of absence for one day.

#### PETITIONS.

By Mr. Perry: A petition from the Board of Supervisors of San Francisco, in the form of a resolution, requesting "that the Legislature now in session at Sacramento, be and is hereby respectfully requested to pass an Act by which this city and county may be enabled to submit to the qualified electors thereof a proposition by which they may be authorized to issue bonds to the extent of, but not to exceed,



five hundred thousand dollars, for the purpose of carrying on the various departments and offices of this municipality during the remainder of this fiscal year, and of paying off all outstanding indebtedness up to June thirtieth, eighteen hundred and eighty-three."

Referred.

## REPORT OF COMMITTEE.

### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 1, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration, and do now report back to the Senate, Senate Bill No. 193—Entitled "An Act to amend section three thousand eight hundred and fifty-four of the Political Code, relating to the date of return of poll tax receipts by the Assessor"—and recommend that it do not pass.

Also, Senate Bill No. 244—Entitled "An Act to amend an Act entitled 'An Act in relation to certain deputies, assistants, and copyists of County Clerks,' approved April 2, 1880"—and recommend that it do not pass.

Also, Senate Bill No. 271—Entitled "An Act to provide for the presenting the claim of C. F. Reed and others to the Board of Examiners, and for the payment of the same"—and recommend that it do not pass.

Also, Senate Bill No. 274—Entitled "An Act to amend section seven hundred and ninety-one of the Political Code of California, in relation to Notaries Public"—and recommend its passage as amended.

Also, Senate Bill No. 325—Entitled "An Act to add certain sections to the Civil Code of this State"—and a majority of your committee recommend that it do not pass.

Also, Senate Bill No. 370—Entitled "An Act to vacate certain offices, to define the tenure of office in the offices vacated, and to create a new cause of vacancy for a certain purpose in certain offices"—and recommend that it do not pass.

Also, Senate Bill No. 245—Entitled "An Act to amend section five hundred and sixteen of an Act entitled 'An Act to establish a Political Code,' approved March 12, 1872, relating to the traveling expenses of the Superintendent of Public Instruction—and recommend that it do not pass.

Also, Senate Bill No. 332—Entitled "An Act to amend the Constitution"—and recommend its passage as amended.

Also, Senate Bill No. 342—Entitled "An Act to amend the Constitution"—and recommend its passage.

Also, Senate Bill No. 363—Entitled "An Act to amend section one thousand seven hundred and sixty-nine of the Code of Civil Procedure," in relation to the powers and duties of guardians—and recommend its passage as amended.

Also, Senate Bill No. 364—Entitled "An Act to amend section five hundred and twenty-nine of an Act to establish a Code of Civil Procedure," approved March 11, 1872—and recommend its passage.

Also, Senate Bill No. 361—Entitled "An Act to regulate the mode of committing persons convicted of felony to the State Prisons"—and recommend its passage.

Also, Senate Bill No. 224—Entitled "An Act authorizing certain corporations to act as executor, administrator, guardian, trustee, agent, depository, or receiver"—and recommend that it do not pass.

Also, Senate Bill No. 234—Entitled an Act to amend section four hundred and thirteen of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of Secretary of State—and recommend that it do not pass.

Also, Senate Bill No. 230—Entitled an Act to amend an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April 16, 1880, and known as the Insolvent Act of eighteen hundred and eighty—and recommend its passage.

Also, Senate Bill No. 232—Entitled an Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section four hundred and ninety-three, relating to the duty of railroad corporations to provide safe guards for passengers—and recommend its passage as amended.

Also, Senate Bill No. 239—Entitled an Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered section five hundred and forty-one—and recommend that it be referred to the Committee on Corporations.

Also, Senate Bill No. 263—"An Act to establish a Civil Code," approved March 21, 1872, relating to wagon-road corporations—and recommend that it do not pass.

Also, Senate Bill No. 265—Entitled "An Act to amend section one hundred and ninety-eight of an Act entitled 'An Act to establish a Code of Civil Procedure,' approved March 11, 1872, relating to the qualification of jurors"—and recommend that it do not pass.

Also, Senate Bill No. 268—Entitled "An Act relative to the granting of State aid to benevolent or other associations"—and recommend that it do not pass.



Also, Senate Bill No. 284—Entitled "An Act to amend an Act to establish a Code of Civil Procedure, relative to proceedings supplementary to execution, by adding a new section thereto, to be known as section seven hundred and twenty-two"—and recommend its passage.

Also, Senate Bill No. 289—Entitled "An Act to amend section one thousand six hundred and thirteen of an Act entitled 'An Act to establish a Penal Code,' approved February 14, 1872, relative to requiring persons confined in the county jail to perform labor on the public works or ways of the county"—and recommend its passage as amended.

Also, Senate Bill No. 291—Entitled "An Act to provide that each city having a volunteer fire department shall pay to each active member of such volunteer fire department the sum of two dollars per annum"—and recommend its passage as amended.

Also, Senate Bill No. 293—Entitled "An Act to amend the Constitution"—and recommend that it do not pass.

Also, Senate Bill No. 298—Entitled "An Act concerning the appointment of interpreters for the criminal Courts of the State of California"—and recommend that it do not pass.

Also, Senate Bill No. 148—Entitled "An Act to add a new section, to be known as four hundred and ninety-two, to an Act entitled 'An Act to establish a Civil Code,' approved March 21, 1872, relating to railroad corporations, and brakemen employed by said corporations"—and recommend that it do not pass.

Also, Senate Bill No. 149—Entitled "An Act to add a new section to an Act entitled 'An Act to establish a Penal Code,' approved February 14, 1872, to be known as section four hundred and one, relating to neglect of duty by brakemen on railroad cars"—and recommend its passage.

CROSS, Chairman.

Mr. Del Valle moved that the special order—consideration of Assembly Bill No. 128—be postponed until four o'clock p. m. of this day.

Carried.

Mr. Kellogg moved to take up the third reading of bills on the special file.

Carried.

#### SPECIAL FILE—(THIRD READING).

On motion of Mr. Perry, Senate Bill No. 117 was made a special order for Saturday, March third, eighteen hundred and eighty-three, at eleven o'clock A. M.

Senate Bill No. 155—Passed on file.

#### CONSIDERATION OF BILLS—(OUT OF ORDER).

Mr. Cox moved to take up Senate Bill No. 2 out of order.

Carried.

Senate Bill No. 2—An Act to prevent the spreading of fruit and fruit tree pests and diseases, and to provide for their extirpation.

Read third time.

Mr. Whitney moved to recommit the bill to a committee of one, consisting of Senator Cox, with instructions to amend as follows: By striking out in line twelve, of section one, the word "persons;" in line thirteen, of the same section, the words "carriers" and "and fruit dealers;" by striking out in line one, of section six, the word "corporations," and inserting in lieu thereof the word "persons."

Carried.

Mr. Cox made a verbal report, that he had amended the bill in accordance with the instructions of the Senate.

Roll called, and the bill passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buek, Chandler, Cox, Cronan, Cross, Del Valle, Fileher, Fraser, Harrigan, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Lynch, McClure, Nelson, Perry, Rontier, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill—25.

NOES—Messrs. Johnson and Reynolds—2.

Title read and approved.

Mr. Taylor moved to postpone the special order, consideration of Assembly Bill No. 356, until two o'clock and thirty minutes P. M. of this day.

Carried.

Mr. Cox moved to take up Senate Bill No. 3 out of order.

Carried.

Senate Bill No. 3—An Act to establish a State Board of Horticulture, and appropriate moneys for the expenses thereof.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Fileher, Fraser, Harrigan, Keating, Kelly of San Francisco, Kellogg, Knight, McClure, Nelson, Perry, Routier, Spencer of Napa, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill—25.

NOES—Messrs. Lynch and Reynolds—2.

Title read and approved.

#### SPECIAL FILE—(RESUMED).

Senate Bill No. 72—An Act to provide for the custody of insane criminals, and persons charged with crime.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cronan, Del Valle, Fraser, Harrigan, Johnson, Kelly of San Francisco, Knight, McClure, Nelson, Perry, Reynolds, Routier, Spencer of Napa, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill—22.

NOES—Messrs. Filcher and Lynch—2.

Title read and approved.

Senate Bill No. 130—An Act appropriating money for the completion of the Branch Normal School building at Los Angeles, and for the improvement of the grounds about the same.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cronan, Cross, Del Valle, Filcher, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Lynch, McClure, Nelson, Perry, Reynolds, Routier, Spenceer of Napa, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill—25.

NOES—None.

Title read and approved.

Senate Bill No. 196—An Act to provide for the purchase of certain portraits by the State Board of Examiners, and to appropriate money therefor.

Read third time, and passage refused by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cronau, Cross, Del Valle, Dougherty, Harrigan, Johnson, Kelly of San Francisco, Kellogg, McCarthy, Nelson, Perry, Taylor, and Whitney—16.

NOES—Messrs. Brooks, Buck, Fileher, Fraser, Lynch, Maddox, McClure, Reynolds, Routier, Spencer of Napa, and Wolfskill—10.

Mr. Routier gave notice that, on the following day, he should move for a reconsideration of the vote whereby Senate Bill No. 196 was refused passage.

Mr. Perry also gave a notice to the same effect.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

##### ON CONTINGENT EXPENSES AND MILKAGE.

SENATE CHAMBER, SACRAMENTO, March 2, 1883.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz.:

*Resolved*, That J. M. Brooks be and he is hereby allowed the sum of three hundred and sixty dollars (\$360) as his per diem for forty-five days, and the sum of seventy-eight dollars and forty cents (\$78 40) as his mileage as Senator from the Third Senatorial District; and that the Controller be and he is hereby ordered to draw his warrant on the treasury for said sum, payable out of the Contingent Fund of the Senate—have had the same under consideration, and report the same back to the Senate, and recommend that it do pass.

Adopted.

Also, the following, viz.: Report of Senate Committee on Public Buildings and Grounds, on the mileage due members thereof: Senator Cronan, Sacramento to Los Angeles and return, nine hundred and fifty-six miles; Senator Fraser, Sacramento to Los Angeles and return, nine hundred and fifty-six miles; P. J. O'Connor, Clerk, Sacramento to Los Angeles and return, nine hundred and fifty-six miles. The committee have had the above under consideration, and report it do pass.

Adopted.

Also, the following: The bill of J. J. Ayers for thirty-five dollars, expenses incurred in visiting San Francisco, was referred back to Mr. Ayers, with a request that the claim be presented in itemized form.

MADDOX, Chairman.

So ordered.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Buck:

*Resolved*, That C. H. Rave be and is hereby allowed the sum of twenty-four dollars and seventy-five cents (\$24 75), for making and repairing locks and keys of Senate during the session.

Also:

*Resolved*, That Scott & Muir be and are hereby allowed the sum of fifty-seven dollars and forty cents (\$57 40) for fifty-six opal globes, fifty-six fancy holders, fifty-six burners, and one day's labor for two men.

Also:

*Resolved*, That J. G. Davis be and is hereby allowed the sum of forty-one dollars and sixty-five cents, for moving the shelves, putting on castors, making eighty-one pigeon holes, covering one table, lock and key, castors for chairs, thirty pigeon holes and platform, and repairing two revolving chairs, during the session.

Also:

*Resolved*, That William B. Miller be and he is hereby allowed the sum of thirty dollars, for cleaning clocks and keeping them in repair during the session.

Referred to Committee on Contingent Expenses and Mileage.

#### SPECIAL FILE—(RESUMED).

Senate Bill No. 131—An Act to appropriate money for the support of aged and indigent persons residing in the home of the Veterans' Home Association.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Filcher, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, McCarthy, McClure, Nelson, Perry, Routier, Ryan, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—29.

NOES—Messrs. Lynch and Reynolds—2.

Title read and approved.

On motion, Assembly Bill No. 30 was taken up out of order.

Assembly Bill No. 30—An Act to create and maintain a Bureau of Labor Statistics.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Filcher, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Lynch, McCarthy, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Sullivan, Vrooman, Wallis, and Wolfskill—30.

NOES—Mr. Foster—1.

Title read and approved.

#### SPECIAL FILE—(RESUMED).

Assembly Bill No. 153—An Act to authorize the creation of a State agricultural and industrial exhibition building on the State Capitol grounds and to appropriate money therefor.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Knight, Lynch, McCarthy, McClure, Nelson, Perry, Routier, Ryan, Spencer of Napa, Sullivan, Taylor, Vrooman, Wallis, and Whitney—29.

NOES—Messrs. Filcher, Maddox, and Reynolds—3.

Title read and approved.

Senate Bill No. 68—An Act to promote and encourage the development of the mineral resources of the State of California and for the support of the Mining Bureau.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelley of Solano, Kellogg, Lynch, Maddox, McCarthy, McClure, Perry, Reynolds, Routier, Ryan, Sullivan, Taylor, Vrooman, Wallis, and Whitney—30.

NOES—Mr. Wolfskill—1.

Title read and approved.

Senate Bill No. 160—An Act making an appropriation of fifteen thousand dollars for the protection and improvement of the buildings and grounds of the State University.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Foster, Fraser, Harrigan, Johnson, Keating, Kelley of Solano, Kellogg, Maddox, McCarthy, McClure, Nelson, Perry, Routier, Ryan, Spencer of Napa, Taylor, Vrooman, Wallis, and Whitney—28.

NOES—Messrs. Filcher, Lynch, Reynolds, and Wolfskill—4.

Title read, and amended by striking out "fifteen thousand dollars," and inserting in lieu thereof "eleven thousand dollars."

Senate Bill No. 279—An Act making an appropriation for a deficiency in the appropriation for postage and expressage in the office of Superintendent of Public Instruction for the thirty-third fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, McCarthy, McClure, Routier, Ryan, Spencer of Napa, Vrooman, Whitney, and Wolfskill—22.

NOES—Messrs. Filcher, Fraser, Kelley of Solano, Kellogg, Lynch, Maddox, and Reynolds—7.

Title read and approved.

Senate Bill No. 280—An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-third fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Brooks, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Foster, Johnson, Keating, Kelly of San Francisco, Kellogg, McCarthy, McClure, Routier, Ryan, Speneer of Napa, Vrooman, Whitney, and Wolfskill—21.

NOES—Messrs. Buck, Fileher, Fraser, Harrigan, Kelley of Solano, Lynch, Maddox, and Reynolds—8.

Title read and approved.

Senate Bill No. 281—An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-second fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Brooks, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, McCarthy, McClure, Nelson, Perry, Routier, Ryan, Speneer of Napa, Vrooman, Wallis, Whitney, and Wolfskill—24.

NOES—Messrs. Buck, Fileher, Fraser, Kelley of Solano, Kellogg, Lynch, and Reynolds—7.

Title read and approved.

#### CONSIDERATION OF A BILL—(OUT OF ORDER).

Mr. McClure moved to take up Senate Bill No. 327 out of order.

Ayes and noes demanded on the motion by Senators Spencer of Napa, McClure, and Perry.

Roll called, with the following result:

AYES—Messrs. Baldwin, Brooks, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, McCarthy, McClure, Murphy, Perry, Routier, Spencer of Napa, Vrooman, Wallis, and Whitney—23.

NOES—Messrs. Fileher, Foster, Kelley of Solano, Kellogg, Lynch, Nelson, Reynolds, Ryan, and Wolfskill—9.

So ordered.

Senate Bill No. 327—An Act to amend an Act entitled "An Act to provide for the future management of the Napa State Asylum for the Insane," approved March 6, 1876.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Fileher, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, McCarthy, McClure, Nelson, Perry, Routier, Spencer of Napa, Sullivan, Vrooman, and Whitney—26.

NOES—Messrs. Reynolds, Ryan, Wallis, and Wolfskill—4.

Title read and approved.

Mr. Cross gave notice that, on the following day, he should move for a reconsideration of the vote whereby Senate Bill No. 327 was passed.

Mr. Keating moved to take up the third reading of bills on the general file.

Lost.

#### REPORTS OF COMMITTEES—(OUT OF ORDER).

##### ON ENROLLED BILLS.

SENATE CHAMBER, SACRAMENTO, March 2, 1883.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have exam-



ined and found correctly enrolled Senate Bills Nos. 45 and 185, and that the same have been placed in the hands of the Governor.

HARRIGAN, Chairman.

ON EDUCATION.

SENATE CHAMBER, SACRAMENTO, March 2, 1883.

MR. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 440—"An Act to provide for the disposal of moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings"—have had the same under consideration, and now report it back, with the recommendation that it do pass.

JOHNSON, Chairman.

ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 2, 1883.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 308—"An Act in relation to railroads—by direction of the Senate referred to the Judiciary Committee for their opinion as to the constitutionality and legal effect of said bill. The Committee on Judiciary have returned the same to this committee with a majority report and a minority report, and your committee now report the same back to the Senate, together with accompanying majority and minority reports of the Judiciary Committee, and without recommendation.

RYAN, Chairman.

REPORTS OF JUDICIARY COMMITTEE—(MAJORITY REPORT).

SENATE CHAMBER, SACRAMENTO, February 28, 1883.

The undersigned, members of the Judiciary Committee, report that Assembly Bill No. 308 is in conflict with the Constitution of the State of California and the statutes of the United States.

W. W. KELLOGG.  
HENRY VROOMAN.  
GEO. E. WHITNEY.  
DAVID McCLORE.  
J. M. BROOKS.  
G. H. PERRY.  
C. W. CROSS.  
K. E. KELLEY.

MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, February 28, 1883.

The undersigned, members of the Judiciary Committee, report that Assembly Bill No. 308 is not in conflict with the Constitution of the State of California and the statutes of the United States.

PATRICK REDDY.  
F. T. BALDWIN.  
CLAY W. TAYLOR.  
G. A. JOHNSON.  
FRANK J. SULLIVAN.  
R. F. DEL VALLE.  
DENNIS SPENCER.

Mr. McClure moved to take up Senate Bill No. 381 out of order.  
Carried.

Senate Bill No. 381—An Act to authorize the establishment of a quarantine station for the Harbor of San Francisco.

Read first time, and placed on file for second reading.

SPECIAL FILE—SECOND READING—(RESUMED).

By consent, the author, Mr. Del Valle, was permitted to withdraw Senate Bills Nos. 65 and 64.

Senate Bill No. 90—Passed on file.

Senate Bill No. 285—An Act to amend sections three thousand six hundred and sixty-four, three thousand six hundred and sixty-five, and three thousand seven hundred and thirty-four, and to add six new sections, to be numbered three thousand six hundred and sixty-

six, three thousand six hundred and sixty-seven, three thousand six hundred and sixty-eight, three thousand six hundred and sixty-nine, three thousand six hundred and seventy, and three thousand seven hundred and seventy-one, to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to repeal a portion of section three thousand six hundred and fifty, all relating to revenue, and particularly to the assessment of railways by the State Board of Equalization, and the collection of State and county and city and county taxes due upon such assessment.

Read second time as far as and including section one, and committee amendments to this section adopted.

# RECESS.

The hour having arrived, the President declared a recess.

# REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Brooks, Buck, Chandler, Cronan, Del Valle, English, Filcher, Fraser, Harrigan, Johnson, Keating, Kelley of Solano, Kellogg, Knight, Lynch, Maddox, McClure, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Mr. Spencer of Napa moved to defer the motion to reconsider the vote by which Assembly Concurrent Resolution No. 21 was refused a first reading until Tuesday, March sixth, eighteen hundred and eighty-three, at two o'clock P. M.

Carried.

Mr. Sullivan moved to take up Senate Bill No. 288 out of order.

Ayes and noes demanded on this motion by Senators Sullivan, Perry, and Brooks.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Brooks, Buck, Chandler, Cronan, English, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Lynch, McCarthy, McClure, Perry, Routier, Spencer of Napa, Sullivan, Taylor, Wallis, and Whitney—22.

NOES—Messrs. Filcher, Fraser, Maddox, Reynolds, Ryan, Spencer of Stanislaus, Vrooman, and Wolfskill—8.

So ordered.

Senate Bill No. 288—An Act authorizing and directing the Regents of the University of California to convey certain lands.

Read third time, and passed by the following vote:

AYES—Messrs. Brooks, Buck, Chandler, Cox, Cronan, Del Valle, Dougherty, English, Filcher, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Maddox, McCarthy, McClure, Perry, Reynolds, Routier, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill—30.

NOES—None.

Title read, and amended by striking out the word "directing," and inserting the word "empowering" in lieu thereof.

Title approved as amended.

Mr. Filcher moved to defer the special order for this hour until the completion of the reading of Senate Bill No. 285.

Carried.

Senate Bill No. 285—Second reading resumed and completed, amendments of the committee adopted, and the bill as amended ordered engrossed and to a third reading.

Mr. Johnson moved to take up Senate Bill No. 247 out of order.

Carried.

Senate Bill No. 247—An Act to provide for the better control and management of the several funds of the University of California, and for the investment and security of the same.

On motion of Mr. Kellogg, the rules were suspended, and this bill considered read the second time.

Mr. Johnson moved to suspend the provisions of section fifteen, article four, of the Constitution, requiring bills to be read on three several days, that Senate Bill No. 247 be declared a case of urgency and placed upon its third reading.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Del Valle, Dougherty, English, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Routier, Spencer of Napa, Sullivan, Vrooman, Wallis, Whitney, and Wolfskill—32.

NOES—Messrs. Foster, Reynolds, Ryan, and Spencer of Stanislaus—4.

So ordered.

Senate Bill No. 247 read third time, and passed by the following vote:

AYES—Messrs. Brooks, Buck, Chandler, Cox, Cronan, Del Valle, Dougherty, English, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—34.

NOES—Mr. Kelley of Solano—1.

Title read and approved.

SPECIAL ORDER—TWO O'CLOCK AND THIRTY MINUTES P. M.

Consideration of Assembly Bill No. 356.

Assembly Bill No. 356—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, to repeal section two thousand five hundred and thirty-four of said Code, and to add a new section thereto, to be known as section two thousand five hundred and fifty-four, and to repeal certain sections of an Act, approved March 17, 1880, entitled "An Act to amend section six of an Act entitled 'Concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers on the Board of State Harbor Commissioners," all of said sections relating to the Board of State Harbor Commissioners, their powers and duties.

SECOND READING.

Committee recommend amendment to section one, as follows: To strike out the following words in line five: "on the passage of this

Act," and insert in lieu thereof the words "on the first Monday after the first day of January, eighteen hundred and eighty-four."

After debate, the ayes and noes were demanded on the adoption of this amendment, by Senators Perry, McClure, and Brooks.

Roll called, and the amendment rejected by the following vote:

AYES—Messrs. Fraser, McCarthy, McClure, Perry, Routier, Ryan, Vrooman, Wallis, and Whitney—9.

NOES—Messrs. Brooks, Buck, Cox, Cronan, Del Valle, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, Nelson, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—27.

Mr. Lynch moved to amend subdivision two thousand five hundred and twenty, section one, by inserting the following after the word "make," in line nineteen:

Of persons to constitute the Board herein first provided for, or to fill a vacancy occurring thereafter by expiration of the term or otherwise, he must (after the adjournment of the Senate) grant a commission for the terms herein provided for, or for the unexpired portion of such term, as the case may be, subject, however, to the consent of the Senate at its next regular session; *provided*, that upon the passage of this Act the Governor shall nominate three persons to fill such offices for the first term, and submit them to the Senate at least one day before its final adjournment.

Ayes and noes demanded on this amendment by Senators Perry, Brooks, and Wallis.

Roll called, and the amendment adopted by the following vote:

AYES—Messrs. Brooks, Buck, Cox, Cronan, Del Valle, Dougherty, Filcher, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—26.

NOES—Messrs. McClure, Perry, Routier, Vrooman, Wallis, and Whitney—6.

On motion of Mr. Perry, section three was amended by adding at the end of the section the following: "Nor shall the State dredgers be employed to dredge slips not under the control of the State, nor private work of any character."

Mr. McClure moved to amend the bill by striking out section four.

After debate, ayes and noes demanded on the amendment by Senators Perry, McClure, and Vrooman.

Roll called, and the amendment rejected by the following vote:

AYES—Messrs. Chandler, English, Filcher, Fraser, Kelley of Solano, Kellogg, Knight, Langford, McCarthy, McClure, Murphy, Perry, Routier, Ryan, Vrooman, Wallis, Whitney, and Wolfskill—18.

NOES—Messrs. Brooks, Buck, Cox, Cronan, Del Valle, Dougherty, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Lynch, Nelson, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, and Taylor—19.

The amendment proposed by the committee to section eight, to strike out the words commencing on line ten, "or who is engaged in the business of marine insurance, or of procuring such insurance," rejected.

Upon the amendment by the committee to strike out the words "one hundred and fifty," and insert in lieu thereof the words "two hundred," in line ten of section nine, the ayes and noes were demanded by Senators Langford, McClure, and Ryan.

Roll called, and the amendment adopted by the following vote:



AYES—Messrs. Buck, Cronan, Del Valle, Dougherty, English, Harrigan, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Maddox, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Sullivan, Taylor, Vrooman, and Wallis—24.

NOES—Messrs. Baldwin, Chandler, Cox, Filcher, Foster, Fraser, Johnson, Knight, Langford, McClure, Spencer of Stanislaus, Whitney, and Wolfskill—13.

Upon the amendment of the committee, to strike out the words "two hundred and fifty," and insert in lieu thereof the words "two hundred," in line twelve of section nine, the vote stood sixteen to sixteen, on a division of the Senate. The President announced that he would exercise his constitutional right to cast the deciding vote, and ordered the Secretary to record his vote "aye."

Amendment adopted.

The committee amendment to section nine, to strike out the words "and other incidentals," in line seventeen, lost.

Other amendments of the committee to the bill adopted.

Mr. Perry moved to amend the bill as follows:

Amend section ten, by adding a new section to the Political Code, to be numbered section two thousand five hundred and fifty-five, to read as follows:

SEC. 10 (2555). The Board of State Harbor Commissioners are hereby authorized and directed to reduce the rates of dockage, wharfage, and tolls, or to abolish the same, or any of them, and shall, on or before the first day of April, A. D. eighteen hundred and eighty-three, reduce the same so that the rates thereafter to be charged and collected shall not exceed fifty per cent of the rates charged at the date of the passage of this Act.

Ayes and noes demanded on the adoption of this amendment by Senators Perry, Routier, and McClure.

Roll called, and the amendment rejected by the following vote:

AYES—Messrs. Chandler, Fraser, Langford, Maddox, McClure, Perry, Routier, Vrooman, and Wallis—9.

NOES—Messrs. Baldwin, Buck, Cox, Cronan, Del Valle, English, Filcher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Lynch, Murphy, Nelson, Reddy, Reynolds, Ryan, Spencer of Stanislaus, Sullivan, Taylor, Whitney, and Wolfskill—26.

Mr. McClure moved to amend, by inserting the following between sections nine and ten:

SEC. 10. A new section is added to said Code, to be known as section two thousand five hundred and fifty-four, and to read as follows:

Section 2554. Wharfage on merchandise must be paid by and collected directly from the master, owner, or consignee of vessels, and the owner, agent, or manager of railroad cars using or passing over the wharves or other landing places; and the Board must, as soon as practicable, adopt proper regulations for putting such mode of collection into effect; and thereafter no tolls must be collected, by the load or vehicle, on merchandise passing on or off the wharves or other landing places, and the collection of wharfage by toll collectors must cease; *provided*, that the wharfage on merchandise to and from ferry boats, other than those transporting railroad cars may be collected in such mode as the Board may direct. The master, owner, or consignee of every vessel, and the owner, agent, or manager of every railroad car using or passing over any wharf or other landing place, must deliver to the Wharfinger, or other officer of the Board, on its arrival, and before commencing to discharge, or after receiving its cargo or load, and before its departure, a full and correct statement of the quantity of merchandise intended to be discharged from, or which has been received by, such vessel or car, and must pay to said Wharfinger, or other officer of the Board, the amount of wharfage due on such merchandise. In case any person shall neglect or refuse to deliver such statement, or shall willfully make a false statement, he shall be deemed guilty of a misdemeanor, and on conviction shall be fined not exceeding five hundred dollars, or imprisoned not exceeding one hundred days, or by both such fine and imprisonment. In case no such statement be delivered, or payment of the wharfage be not so made, the vessel or car may be removed by the Wharfinger from the wharf or other landing place, at the expense of the master, owner, or consignee of such vessel, or owner, agent, or manager of such car, and must be excluded from all the wharves or other landing places until such statement is delivered or payment is made. In case the master, owner, or



consignee of any vessel, or the owner, agent, or manager of any railroad car, using or passing over any wharf, or other landing place, shall discharge, or allow to be discharged, from such vessel or car, any part of its cargo or load before the amount of wharfage due thereon has been fully paid, or shall receive, or allow to be received, on such vessel or car, any part of its cargo or load before the deposit or guaranty hereinafter provided is made or given, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding five hundred dollars, or imprisoned not exceeding one hundred days, or by both such fine and imprisonment. The several Wharfingers are authorized and empowered to make arrests without warrant in all cases of misdemeanor herein stated, and are hereby made peace officers for that purpose; and the Police Judges' Courts of the City and County of San Francisco shall have jurisdiction of such cases. The moneys received on account of fines must be paid to the Board of Harbor Commissioners; *provided*, that any person so arrested may, at the discretion of the Board, be discharged at any time before trial, on his delivery of the statement, and making payment of the wharfage as required herein, together with all costs of such arrest and prosecution. The Board may, by written permits, release parties from the obligation to deliver the statement or pay the wharfage at the times herein stated; *provided*, that before any part of the cargo or load of such vessel or car is discharged or received a deposit be made with the said Board sufficient to pay the wharfage on the merchandise intended to be discharged or received, or a proper and sufficient guaranty, or obligation in writing, be given to them that the said statement will be delivered and payment of the wharfage be made before such vessel or car shall depart from its wharf, or other landing place, or at such other time as stated in such guaranty or obligation. Such guaranty shall be deemed an original obligation on the part of the guarantor, and no other consideration therefor need exist or be expressed than the granting of the said permit by the Board. Nothing in this section shall be deemed to divest the lien on merchandise for its wharfage, as provided in section two thousand five hundred and twenty-four of the Political Code.

After debate, the ayes and noes were demanded on this amendment by Senators McClure, Chandler, and Perry.

Roll called, and the amendment rejected by the following vote:

AYES—Messrs. Baldwin, Chandler, Del Valle, Filcher, Fraser, Kellogg, Knight, McClure, Perry, Vrooman, Wallis, and Whitney—12.

NOES—Messrs. Brooks, Buck, Cox, Cronan, Dougherty, English, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Langford, Lynch, Maddox, Murphy, Nelson, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—26.

Mr. Kellogg moved to amend section ten, by adding the following:

The said Board of State Harbor Commissioners shall not employ any person not eligible to become a citizen of the United States in any capacity upon the work or works hereinbefore mentioned.

Ayes and noes demanded on this amendment, by Senators Kellogg, Vrooman, and McClure.

Roll called, and the amendment lost by the following vote:

AYES—Messrs. Del Valle, Fraser, Kelley of Solano, Kellogg, Perry, Reddy, Reynolds, Spencer of Napa, Sullivan, Wallis, and Whitney—12.

NOES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Keating, Kelley of San Francisco, Knight, Langford, Lynch, Maddox, McClure, Murphy, Nelson, Routier, Ryan, Spencer of Stanislaus, Taylor, Vrooman, and Wolfskill—27.

Mr. Ryan moved to amend section four, by striking out in line four the words "one hundred and fifty feet," and insert in lieu thereof "one hundred feet."

Also, insert in line five, after the word "streets," in said line, the words "not to exceed one hundred feet."

After debate, the ayes and noes were demanded on this amendment, by Senators Ryan, McClure, and Vrooman.

Roll called, and the amendment rejected by the following vote:

AYES—Messrs. Chandler, Filcher, Fraser, Kelley of Solano, McClure, Murphy, Perry, Ryan, Vrooman, Wallis, and Whitney—11.

NOES—Messrs. Baldwin, Brooks, Buck, Cox, Cronan, Del Valle, Dougherty, English, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, Nelson, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—26.

On motion of Mr. Del Valle, the special order for four o'clock P. M. of this day was continued until to-morrow, immediately after the reading of the Journal.

At six o'clock and thirty minutes P. M., Mr. Chandler moved to adjourn.

Ayes and noes demanded on the motion, by Senators Taylor, Maddox, and Ryan.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Chandler, Wallis, and Whitney—3.

NOES—Messrs. Baldwin, Brooks, Buck, Cox, Cronan, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Knight, Lynch, Maddox, Murphy, Nelson, Reddy, Reynolds, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, and Wolfskill—28.

Mr. Nelson moved to reconsider the vote whereby the committee amendment to section nine, in line twelve, was adopted.

Carried.

The question recurring on the adoption of the amendment, the same was rejected.

Mr. McClure moved to reconsider the vote whereby the Senate refused to adopt the amendment to strike out section four of this bill.

Ayes and noes demanded on this motion by Senators McClure, Perry, and Fraser.

Roll called, and the motion to reconsider carried by the following vote:

AYES—Messrs. Baldwin, Chandler, Cronan, English, Filcher, Fraser, Johnson, Kelley of Solano, Kellogg, Knight, Maddox, McClure, Murphy, Nelson, Perry, Reddy, Ryan, Vrooman, Wallis, Whitney, and Wolfskill—21.

NOES—Messrs. Brooks, Buck, Cox, Dougherty, Foster, Harrigan, Keating, Kelly of San Francisco, Langford, Lynch, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, and Taylor—15.

Upon the question of the adoption of the amendment to strike out section four, the ayes and noes were demanded by Senators McClure, Vrooman, and Perry.

Roll called, and the amendment adopted by the following vote:

AYES—Messrs. Baldwin, Chandler, Cronan, English, Filcher, Fraser, Johnson, Kelley of Solano, Kellogg, Maddox, McClure, Murphy, Nelson, Perry, Reddy, Ryan, Vrooman, Wallis, Whitney, and Wolfskill—20.

NOES—Messrs. Brooks, Buck, Cox, Dougherty, Foster, Harrigan, Keating, Kelly of San Francisco, Knight, Langford, Lynch, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, and Taylor—16.

Mr. Kellogg moved to amend section eight, by striking out the words "a qualified elector of the State," and insert in lieu thereof the words "eligible to become a citizen of the United States."

Adopted.

Mr. Taylor moved to reconsider the vote whereby the Senate rejected the amendment of the committee to section eight, line ten, of this bill.

Ayes and noes demanded on this motion by Senators Spencer of Napa, Ryan, and Baldwin.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Cox, Cronan, Harrigan, Keating, Kelly of San Francisco, Nelson, Perry, Ryan, Sullivan, Taylor, and Whitney—11.

NOES—Messrs. Baldwin, Brooks, Dougherty, English, Fraser, Johnson, Kelley of Solano, Langford, Lynch, Maddox, Murphy, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Vrooman, Wallis, and Wolfskill—18.

Assembly Bill No. 356, as amended, ordered engrossed and to third reading.

Mr. Taylor moved to make Assembly Bill No. 356 a special order for Saturday, March third, eighteen hundred and eighty-three, at eleven o'clock and thirty minutes A. M.

Carried.

Mr. Johnson moved to take up Assembly Bill No. 241 out of order.

Carried.

Assembly Bill No. 241—An Act to amend section three hundred and fifty-nine of the Civil Code, relating to increasing and diminishing the capital stock of corporations.

Mr. Johnson moved to suspend the rules, and that this bill be considered read the first time.

Carried.

Mr. Johnson moved to suspend the provisions of section fifteen, article four, of the Constitution, requiring bills to be read on three several days, that Assembly Bill No. 241 be declared a case of urgency, and placed upon its second reading.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Cox, Cronan, Dougherty, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Maddox, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—28.

NOES—None.

The rules further suspended, and this bill considered read the second time, and placed upon its third reading.

Assembly Bill No. 241 read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Cox, Cronan, Dougherty, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Maddox, Murphy, Perry, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Wallis, and Wolfskill—25.

NOES—None.

Title read and approved.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

##### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 2, 1883.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years—have had the same under consideration, and now report the same back with amendments to the Senate, and recommend that it do pass as amended.

##### ADJOURNMENT.

At seven o'clock and twenty-five minutes P. M., on motion of Mr. Kelly of San Francisco, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER,  
Saturday, March 3, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names :

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Fileher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Speneer of Napa, Speneer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of yesterday read and approved.

## CONSIDERATION OF BILLS—(OUT OF ORDER).

Mr. Murphy moved to take up Assembly Bill No. 77 out of order.  
Carried.

Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

Mr. Murphy moved to suspend the provisions of section fifteen of article four of the Constitution, requiring bills to be read on three several days, that Assembly Bill No. 77 be declared a case of urgency, and placed upon its passage.

Roll called, and the motion carried by the following vote :

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Del Valle, Dougherty, English, Fileher, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Maddox, Murphy, Perry, Reddy, Reynolds, Routier, Ryan, Speneer of Napa, Speneer of Stanislaus, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—29.

NOES—None.

Mr. Murphy moved that the rules requiring a bill to be read at length be suspended, and Assembly Bill No. 77 be considered read the first time.

Carried.

On motion of Mr. Murphy, further consideration of this bill was made a special order for two o'clock P. M. of this day.

Mr. Reddy moved to take up Senate Bill No. 121 out of order.

Carried.

Senate Bill No. 121—An Act to repeal an Act entitled "An Act to provide an additional Judge of the Superior Court for the County of Mono," approved April 16, 1880.

Read third time, and passed by the following vote :

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Del Valle, Dougherty, English, Fileher, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Maddox, Murphy, Perry, Reddy, Reynolds, Routier, Spencer of Napa, Spencer of Stanislaus, Vrooman, Wallis, and Whitney—27.

NOES—None.

Title read and approved.

Mr. Spencer of Napa moved to take up Assembly Bill No. 25 out of order.

Carried.

Assembly Bill No. 25—An Act to amend sections four and nine of an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management and control of the same by the State," and to add a new section thereto.

Read first time.

Mr. Chandler moved to suspend the provisions of section fifteen of article four of the Constitution, requiring bills to be read on three several days, that Assembly Bill No. 25 be declared a case of urgency, and placed on its passage.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Del Valle, Dougherty, English, Filcher, Fraser, Harrigan, Johnson, Kelly of Solano, Kellogg, Knight, Langford, Murphy, Perry, Reddy, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Vrooman, Wallis, Whitney, and Wolfskill—27.

NOES—Mr. Reynolds—1.

Mr. Ryan moved to suspend the rules, and consider this bill read second time, engrossed, and to a third reading.

Carried.

Assembly Bill No. 25—Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Del Valle, Dougherty, English, Filcher, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Maddox, Murphy, Perry, Reddy, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Vrooman, Wallis, Whitney, and Wolfskill—30.

NOES—Mr. Reynolds—1.

Title read and approved.

Leave of absence for one day granted to Senator McClure.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Johnson:

I move to suspend the rules, so as to allow the roll to be called, and each Senator, as his name is called in alphabetical order, to have the privilege of calling up any bills, whereupon any proper action may be taken thereon until the bill is disposed of for the day; *provided*, that only the Senator calling up the bill shall speak thereon, and he not more than five minutes; and *provided further*, that this suspension and order of business shall apply to this day only.

Ayes and noes demanded on the adoption of this resolution.

Roll called, and the resolution adopted by the following vote:

AYES—Messrs. Baldwin, Buck, Chandler, Cox, Del Valle, Filcher, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Perry, Reddy, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Vrooman, Wallis, Whitney, and Wolfskill—25.

NOES—Messrs. Brooks, Maddox, Murphy, Nelson, and Reynolds—5.

Mr. Del Valle moved to reconsider the vote by which this resolution was adopted.

After debate, the ayes and noes were demanded on this motion by Senators Del Valle, Brooks, and Reynolds.

Roll called, with the following result:



AYES—Messrs. Brooks, Buck, Del Valle, English, Harrigan, Keating, Kelly of San Francisco, Kelley of Solano, Lynch, Maddox, Nelson, Perry, Reddy, Reynolds, Routier, Spencer of Napa, and Taylor—17.

NOES—Messrs. Baldwin, Chandler, Cox, Filcher, Foster, Fraser, Johnson, Kellogg, Knight, Langford, Ryan, Spencer of Stanislaus, Wallis, Whitney, and Wolfskill—15.

So ordered.

The question recurring on the adoption of the resolution, the ayes and noes were demanded by Senators Baldwin, Knight, and Johnson.

Roll called, and the resolution lost by the following vote:

NOES—Messrs. Baldwin, Chandler, English, Foster, Fraser, Johnson, Keating, Knight, Langford, Ryan, Spencer of Stanislaus, and Wolfskill—12.

AYES—Messrs. Brooks, Buck, Del Valle, Filcher, Harrigan, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Maddox, McCarthy, Nelson, Perry, Reddy, Reynolds, Routier, Spencer of Napa, Vrooman, Wallis, and Whitney—20.

## REPORTS OF COMMITTEES—(OUT OF ORDER).

### ON JUDICIARY—(MINORITY REPORT).

SENATE CHAMBER, SACRAMENTO, March 3, 1883.

Ma. PRESIDENT: The undersigned, members of the Judiciary Committee, dissent from the majority report on Senate Bill No. 323—and recommend that the bill do pass without amendment.

G. A. JOHNSON.  
PATRICK REDDY.  
R. F. DEL VALLE.  
F. T. BALDWIN.  
CLAY W. TAYLOR.  
DENNIS SPENCER.

### ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, March 3, 1883.

Ma. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 373—"An Act to pay Mrs. Annie McNamee, widow and residuary of Frank McNamee, deceased, for moneys advanced and merchandise furnished by said Frank McNamee, deceased, to M. Miles, in the construction of the Branch Prison at Folsom"—have had the same under consideration, and recommend that it do not pass, as the same claim is provided for in Senate Bill No. 233, which has already been reported for passage by this committee.

Also, Senate Bill No. 154—"An Act to appropriate money to John O. Brown, to pay for materials furnished by him in the construction of the Branch State Prison at Folsom"—and recommend that the author be allowed to withdraw it, as the same matter is embraced in Senate Bill No. 233, which has been reported for passage.

Also, Senate Bill No. 250—"An Act to appropriate money to pay Edward Christy for time used in the construction of the Branch Prison at Folsom"—and recommend that the author be allowed to withdraw it, for the reasons given in case of Senate Bill No. 154.

Also, Senate Bill No. 80—"An Act to authorize the payment of wages to workmen who were employed in the construction of the Branch Prison at Folsom"—and also recommend that the author be allowed to withdraw it, for the reasons already given.

Also, Assembly Bill No. 217—"An Act to appropriate money to N. B. Fish, Sheriff of Sierra County, to pay amount due to him for conveying prisoners Malaspina and Castro from Downieville, in Sierra County, to Folsom State Prison"—and recommend that it do not pass, as the amount of indebtedness therein specified on the part of the State is provided for in the deficiency bill.

Also, Senate Bill No. 345—"An Act to provide a remedy in certain cases"—and report the same back without recommendation.

All of which is respectfully submitted.

KELLEY of Solano, Chairman.

### ON ENROLLED BILLS.

SENATE CHAMBER, SACRAMENTO, March 3, 1883.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bill No. 355; also, No. 188; also, No. 189, and that the same have this day been placed in the hands of the Governor.

HARRIGAN, Chairman.

## ON PUBLIC, SWAMP, AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, March 2, 1883.

MR. PRESIDENT: Your Committee on Public, Swamp, and Overflowed Lands, to whom was referred Senate Bill No. 273—An Act to define the duties of Surveyor-General, in relation to the selection and location of lands in lieu of the sixteenth and thirty-sixth sections and parts of said sections for which the State of California is or may be entitled to indemnity—have had the same under consideration, and report it back with amendments, and recommend that it do pass.

COX, Chairman.

## ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, March 3, 1883.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage have had under consideration the following:

*Resolved*, That the Controller be and he hereby is authorized to draw his warrant, to be paid from the Contingent Fund of the Senate, in favor of Benjamin Knight, for the sum of ninety-five dollars and sixty cents, on account of mileage of Edward E. Leake, clerk of Committee on Hospitals and Asylums, to Los Angeles, and do now report it back and recommend its adoption.

MADDOX, Chairman.

Adopted.

## ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, March 3, 1883.

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings beg leave to report the following resolution, and recommend its adoption:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant for the sum of two hundred and eighty-nine and nine one hundredths dollars (\$289 09), payable out of the Contingent Fund of the Senate, in favor of Hon. P. Reddy, Chairman of the State Prison Committee of the Senate, the same being the amount due from the Senate for the payment of the mileage of witnesses, and the services of an expert, a shorthand reporter, and a Sergeant-at-Arms, called before the committee in the matter of the investigation of the State Prison at San Quentin.

REDDY, Chairman.

Referred to Committee on Contingent Expenses and Mileage.

## SPECIAL ORDER.

Consideration of Assembly Bill No. 128.

Assembly Bill No. 128—An Act to divide the State into Assembly Districts and to provide for the election of Assemblymen therein.

Read second time.

On motion of Mr. Del Valle, section eighteen was amended so as to read as follows:

SEC. 18. The Counties of El Dorado and Alpine shall constitute the Seventeenth Assembly District.

On motion of Mr. Del Valle, section seventy-three was amended so as to read as follows:

SEC. 73. The Counties of Mono and Inyo shall constitute the Seventy-second Assembly District.

Mr. Fileher moved to amend section three, so as to read as follows: "The County of Humboldt shall constitute the Second Assembly District."

Lost.

Mr. Cox moved to amend section three, so as to read as follows: "The County of Humboldt shall constitute the Third Assembly District."

After debate, the ayes and noes were demanded on this amendment by Senators Taylor, Routier, and Ryan.

Roll called, and the amendment lost by the following vote:

**AYES**—Messrs. Cox, Cronan, Dougherty, Filcher, Foster, Fraser, Harrigan, Keating, Kelly of San Francisco, Maddox, Perry, Routier, Spencer of Stanislaus, and Taylor—14.

**NOES**—Messrs. Baldwin, Brooks, Buck, Chandler, Cross, Del Valle, English, Johnson, Kelley of Solano, Kellogg, Langford, Lynch, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Sullivan, Vrooman, Whitney, and Wolfskill—21.

Mr. Langford moved to substitute the following for section fifty-eight:

All that portion of San Joaquin County comprising the Townships of Dent, Douglas, Elliot, Elkhorn, Liberty, and Union, shall constitute the Fifty-eighth Assembly District.

Also, the following for section fifty-nine:

All that portion of San Joaquin County comprising the Townships of Castoria, O'Neal, and Tulare, and the Fourth Ward of the City of Stockton, shall constitute the Fifty-ninth Assembly District.

Also, to add a new section (sixty), to read as follows:

All that portion of San Joaquin County comprising the First, Second, and Third Wards of the City of Stockton, shall constitute the Sixtieth Assembly District.

The Chair ruled that the amendments could not be entertained in this form.

Mr. Langford then moved to reconsider the vote whereby the amendment proposed by Senator Cox was lost.

Mr. Sullivan moved to indefinitely postpone this motion of Mr. Langford's.

Carried, by a vote of nineteen ayes to ten noes, on a division of the Senate.

On motion, the hour of recess was postponed until the conclusion of the consideration of this bill.

Mr. Brooks moved to amend section seventy-five, by adding after the words "Santa Barbara" the words "Ventura County."

Ayes and noes demanded on this amendment by Senators Perry, Harrigan, and Baldwin.

Roll called, and the amendment adopted by the following vote:

**AYES**—Messrs. Baldwin, Brooks, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Fraser, Harrigan, Keating, Knight, Murphy, Perry, Routier, Taylor, Vrooman, and Wallis—18.

**NOES**—Messrs. Buck, Filcher, Foster, Johnson, Kelley of Solano, Kellogg, Lynch, Reddy, and Spencer of Stanislaus—9.

Mr. Del Valle moved to reconsider the vote whereby this amendment was adopted.

After debate, this motion was carried by a vote of eighteen ayes and nine noes, on a division of the Senate.

The question recurring on the amendment, the ayes and noes were demanded by Senators Brooks, Perry, and Cronan.

Roll called, and the amendment rejected by the following vote:

**AYES**—Messrs. Brooks, Chandler, Cox, Cronan, Cross, Dougherty, Fraser, Harrigan, Keating, Knight, Murphy, Perry, Routier, Ryan, Vrooman, Wallis, and Whitney—17.

**NOES**—Messrs. Baldwin, Buck, Del Valle, Filcher, Foster, Johnson, Kelly of San Francisco,

Kelley of Solano, Kellogg, Langford, Lynch, Maddox, Nelson, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, and Taylor—19.

Assembly Bill No. 128, as amended, ordered engrossed and to a third reading.

At one o'clock and fifteen minutes P. M., the President declared a recess.

#### REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

Hon. R. F. Del Valle, President pro tem., in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Mr. Murphy moved that all special orders preceding Assembly Bill No. 77, set for two o'clock P. M., be passed until immediately after consideration of General Appropriation Bill.

Carried.

#### SPECIAL ORDERS—SECOND READING.

Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

The committee recommend the following amendment on page two, line thirty-seven, to strike out the word "three" and insert the word "four;" and on line thirty-eight, to strike out the words "two hundred."

After debate, the ayes and noes were demanded on the adoption of the amendment by Senators Murphy, Cox, and Reddy.

Roll called, and the amendment adopted by the following vote:

AYES—Messrs. Buck, Cox, Del Valle, English, Filcher, Foster, Fraser, Johnson, Kelly of San Francisco, Kellogg, Knight, Langford, Murphy, Reddy, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wallis—19.

NOES—Messrs. Chandler, Cronan, Cross, Dougherty, Harrigan, Keating, Lynch, Maddox, McCarthy, Nelson, Perry, Reynolds, Routier, Vrooman, Whitney, and Wolfskill—16.

Committee recommend the following: To strike out on page six, line one hundred and twenty-seven, the word "three," and insert the word "four," and to strike out the word "two," in line one hundred and twenty-eight, and insert the word "eight."

Amendment lost.

Mr. Vrooman moved to amend the bill, by striking out all from line one hundred and twenty-nine to one hundred and thirty-five, inclusive, on page six.

After debate, the ayes and noes were demanded on the adoption of the amendment by Senators Harrigan, Perry, and Vrooman.

Roll called, and the amendment lost by the following vote:

AYES—Messrs. Cronan, Fraser, Harrigan, Kelly of San Francisco, Knight, Langford, Lynch, Nelson, Perry, Reynolds, Vrooman, and Wolfskill—12.

NOES—Messrs. Buck, Chandler, Cox, Cross, Del Valle, Dougherty, Filcher, Johnson, Kellogg, McCarthy, Murphy, Reddy, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Wallis, and Whitney—18.

Mr. Vrooman moved to amend, by inserting after the word "dollars" in line one hundred and thirty-five, the following: "*provided*, that said maps and reports shall be in all things completed on or before January first, eighteen hundred and eighty-five, and unless they can be so completed, then this appropriation of twenty thousand dollars shall not be used."

Ayes and noes demanded by Senators Vrooman, Perry, and Buck, on the adoption of the amendment.

Roll called, and the amendment lost by the following vote:

AYES—Messrs. Chandler, Cronan, Fraser, Harrigan, Kelly of San Francisco, Langford, Lynch, Maddox, Nelson, Perry, Reynolds, Vrooman, and Wolfskill—13.

NOES—Messrs. Baldwin, Brooks, Buck, Cox, Cross, Del Valle, Dougherty, Fileher, Kellogg, Knight, McCarthy, Murphy, Reddy, Routier, Ryan, Speneer of Napa, Speneer of Stanislaus, Wallis, and Whitney—19.

Mr. Routier moved that the notice of the reconsideration of the vote whereby Senate Bill No. 196 was refused passage, be continued until the following day.

So ordered.

Mr. Lynch moved to strike out, in line one hundred and thirty-five, page six, the word "twenty," and insert in lieu thereof the word "ten."

Ayes and noes demanded on the adoption of the amendment by Senators Lynch, Cronan, and Nelson.

Roll called, and the amendment lost by the following vote:

AYES—Messrs. Brooks, Cronan, Dougherty, Harrigan, Langford, Lynch, Nelson, Reynolds, and Wolfskill—9.

NOES—Messrs. Baldwin, Buck, Chandler, Cox, Cross, Del Valle, Filcher, Fraser, Johnson, Kelly of San Francisco, Kellogg, Knight, Maddox, McCarthy, Murphy, Perry, Reddy, Routier, Ryan, Speneer of Napa, Spencer of Stanislaus, Vrooman, Wallis, and Whitney—24.

Mr. Vrooman moved to amend, by adding after the word "dollars," in line one hundred and fifty-five, the words:

*Provided*, that the State Engineer shall give a bond in the sum of ten thousand dollars, conditional that said maps and reports shall be completed in all things on or before January first, eighteen hundred and eighty-five; said bond to be to the satisfaction of the State Board of Examiners, and to be executed and approved before any portion of said twenty thousand dollars can be used.

Ayes and noes demanded on the adoption of the amendment by Senators Langford, Cronan, and Fraser.

Roll called, and the amendment lost by the following vote:

AYES—Messrs. Baldwin, Cronan, Fraser, Harrigan, Johnson, Kelly of San Francisco, Langford, Lynch, Nelson, Perry, Reynolds, Vrooman, and Wolfskill—13.

NOES—Messrs. Brooks, Buck, Chandler, Cox, Cross, Del Valle, Dougherty, Fileher, Kellogg, Knight, Maddox, McCarthy, Murphy, Reddy, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Wallis, and Whitney—20.

Mr. Perry moved to make the appropriation for the support of the State Prison at San Quentin one hundred thousand dollars (\$100,000).  
Lost.

President Daggett in the chair.

Mr. Whitney offered the following amendment: In line two hundred and thirty-five, after dollars, add, "mileage in all cases to be allowed and paid only from the county seat of the county from which the prisoner is sent to the nearest prison."  
Lost.



Mr. Kellogg offered the following amendment: Amend in lines two hundred and fifty-seven and two hundred and fifty-eight, by striking out the words "one thousand six hundred," and insert the words "two thousand four hundred."

Adopted.

Mr. Fraser offered the following amendment: Amend lines two hundred and fifty-one and two hundred and fifty-two, so as to read "three thousand dollars."

Lost.

Assembly Bill No. 77 read as far as section two.

Mr. Taylor moved that further consideration of Assembly Bill No. 77 be now suspended, and that the Senate proceed to take up Assembly Bill No. 356 out of order.

Carried.

## REPORTS OF COMMITTEES—(OUT OF ORDER).

### ON ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 3, 1883.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred Senate Bill No. 285 and Assembly Bill No. 356, have examined the same, and find them properly engrossed.

NELSON, Chairman.

### ON ELECTIONS.

SENATE CHAMBER, SACRAMENTO, March 3, 1883.

MR. PRESIDENT: Your Committee on Elections, having had under consideration Senate Bill No. 366—An Act to enable women to vote at elections for school officers, and in all matters pertaining solely to schools, and to qualify them to hold all educational offices—report the same back without recommendation.

KELLOGG, Chairman.

Assembly Bill No. 356—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-five, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, and to repeal section two thousand five hundred and thirty-four of said Code, all of said sections relating to the Board of State Harbor Commissioners, their powers and duties.

Read third time, and passed by the following vote:

AYES—Messrs. Buck, Cox, Cronan, Cross, Del Valle, Dougherty, Fileher, Foster, Harrigan, Keating, Kelly of San Francisco, Kellogg, Langford, Lynch, Maddox, Murphy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, Vrooman, and Wolfskill—25.

NOES—Messrs. Chandler, Fraser, Perry, Routier, Wallis, and Whitney—6.

Title read, and amended by striking out the words "section two thousand five hundred and twenty-five."

Title approved as amended.

Mr. Vrooman gave notice that, on the following day, he should move for a reconsideration of the vote whereby Assembly Bill No. 356 was passed.

Mr. Cross moved to take up Senate Bill No. 310 out of order.

Lost.

Assembly Bill No. 77—Consideration resumed.

Mr. Langford offered the following amendment: Amend line two hundred and thirty-seven, by inserting "three thousand dollars" in lieu of "four thousand dollars."

Lost.

Mr. Chandler offered the following amendment: Strike out in line one hundred and ninety-seven, page eight, the word "twenty," and insert "ten."

Ayes and noes demanded on the adoption of the amendment by Senators Taylor, Reynolds, and Chandler.

Roll called, and the amendment lost by the following vote:

**AYES**—Messrs. Chandler, Filcher, Foster, Kelly of San Francisco, Lynch, Maddox, Nelson, Reynolds, Spencer of Stanislaus, Vrooman, and Wolfskill—11.

**NOES**—Messrs. Brooks, Buck, Cox, Cronan, Del Valle, Dougherty, Fraser, Harrigan, Johnson, Keating, Kellogg, Knight, Langford, Murphy, Perry, Reddy, Routier, Ryan, Spencer of Napa, and Whitney—20.

Second reading of this bill completed, all other amendments of the committee adopted, and the bill as amended ordered engrossed and to a third reading.

Mr. Reddy moved to take up messages from the Governor.

Carried.

#### MESSAGES FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 1, 1883. }

*To the honorable the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 52—An Act making appropriations for a deficiency in the appropriation for transportation of prisoners for the thirty-second fiscal year.

Also, Senate Bill No. 53—An Act making appropriation for a deficiency in the appropriation for transportation of insane for the thirty-second fiscal year.

Also, Senate Bill No. 54—An Act making appropriations for a deficiency in the appropriation for transportation of prisoners for the thirty-third fiscal year.

Also, Senate Bill No. 55—An Act making appropriation for a deficiency in the appropriation for transportation of insane for the thirty-third fiscal year.

GEORGE STONEMAN, Governor.

Also, the following:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 2, 1883. }

*To the honorable the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 45—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as section three thousand eight hundred and seventeen, relating to redemption of lands sold to the State for delinquent taxes.

Also, Senate Bill No. 185—An Act to provide for the classification of municipal corporations.

GEORGE STONEMAN, Governor.

Also, the following:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 3, 1883. }

*To the honorable the Senate of the State of California:*

MR. PRESIDENT: I have to inform your honorable body that I have approved Senate Bill No. 188—An Act to repeal an Act entitled "An Act to authorize the State Board of Examiners to invest the moneys derived from State school lands in the bonds of the several counties of the State," approved February 2, 1872.

Also, Senate Bill No. 189—An Act to amend sections six hundred and eighty and six hundred and eighty-two, and to repeal section six hundred and eighty-one of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the investment of the proceeds of the sale of State school lands.

Also, Senate Bill No. 355—An Act to amend an Act entitled "An Act to create Hastings' College of the Law in the University of the State of California," approved March 26, 1878.

GEORGE STONEMAN, Governor.

Also, the following:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 2, 1883. }

*To the honorable the Senate of the State of California:*

MR. PRESIDENT: I have this day appointed the following Pilot Commissioners for the ports of San Francisco, Mare Island, and Benicia, viz.: H. H. Watson, of Oakland, vice E. W. Travers, term expired; Henry G. Williams, of San Francisco, vice Oliver Eldridge, term expired; and

Edward N. Laffey, of San Francisco, vice Joseph A. Coolidge, term expired, and I respectfully ask the consent of the Senate to the same.

GEORGE STONEMAN, Governor.

Mr. Reddy moved to go into executive session to consider the appointments of the Governor.

Carried.

Upon the question: "Will the Senate advise and consent to the appointment of H. H. Watson, of Oakland, as Pilot Commissioner, vice E. W. Travers, term expired?" the roll was called, with the following result:

AYES—Messrs. Buck, Chandler, Cox, Cronan, Del Valle, Dougherty, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, and Wolfskill—28.

NOES—Messrs. Vrooman and Whitney—2.

Whereupon the President announced the appointment of H. H. Watson, as Pilot Commissioner, duly confirmed.

Upon the question: "Will the Senate advise and consent to the appointment of Henry G. Williams, of San Francisco, as Pilot Commissioner, vice Oliver Eldridge, term expired?" the roll was called, with the following result:

AYES—Messrs. Buck, Chandler, Cronan, Del Valle, Dougherty, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, and Whitney—27.

NOES—Messrs. Vrooman and Wolfskill—2.

Whereupon the President announced the appointment of Henry G. Williams, as Pilot Commissioner, duly confirmed.

Upon the question: "Will the Senate advise and consent to the appointment of Edward N. Laffey, of San Francisco, as Pilot Commissioner, vice Joseph A. Coolidge, term expired?" the roll was called, with the following result:

AYES—Messrs. Buck, Chandler, Cox, Cronan, Del Valle, Dougherty, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, Vrooman, Whitney, and Wolfskill—30.

NOES—None.

Whereupon the President announced the appointment of Edward N. Laffey, as Pilot Commissioner, duly confirmed.

On motion of Mr. Del Valle, the Senate arose from executive session.

Mr. Spencer of Napa moved to take up Assembly messages.

Carried.

#### MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 448—An Act to establish a uniform system of county and township governments.

M. C. HALEY, Chief Clerk.

On motion of Mr. Vrooman, this bill was placed on the file for first reading.

Mr. Spencer of Napa moved to take up Assembly Bill No. 448 out of order.

Carried.

Assembly Bill No. 448—An Act to establish a uniform system of county governments. (Introduced on behalf of the Committee on County and Township Governments.)

Mr. Spencer of Napa moved to suspend the rules, and consider this bill read the first time.

So ordered.

At six o'clock and fifty-five minutes p. m., Mr. Kellogg moved to adjourn.

Ayes and noes demanded by Senators Filcher, Foster, and Johnson.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Buck, Cronan, Dougherty, Fraser, Harrigan, Kellogg, Murphy, Nelson, Perry, Routier, Ryan, and Vrooman—12.

NOES—Messrs. Chandler, Cox, Del Valle, Filcher, Foster, Johnson, Keating, Kelly of San Francisco, Lynch, Maddox, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Taylor, Whitney, and Wolfskill—17.

Mr. Maddox moved to take a recess until eight o'clock and thirty minutes p. m.

Mr. Kellogg moved to amend, by making the time seven o'clock and thirty minutes p. m.

Ayes and noes demanded on the amendment by Senators Kellogg, Reddy, and Spencer.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Harrigan, Kellogg, Knight, Murphy, and Perry—5.

NOES—Messrs. Buck, Chandler, Cox, Cronan, Del Valle, Dougherty, Filcher, Foster, Fraser, Johnson, Keating, Kelly of San Francisco, Lynch, Maddox, Reddy, Reynolds, Ryan, and Spencer of Stanislaus—18.

Question recurring on the original motion, the same was lost.

#### ADJOURNMENT.

At seven o'clock p. m., Mr. Vrooman moved to adjourn.

Ayes and noes demanded by Senators Filcher, Reddy, and Fraser.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Buck, Chandler, Cronan, Dougherty, Fraser, Harrigan, Kelly of San Francisco, Kellogg, Murphy, Nelson, Perry, Routier, Ryan, Spencer of Stanislaus, Vrooman, and Whitney—16.

NOES—Messrs. Cox, Del Valle, Filcher, Foster, Johnson, Knight, Lynch, Maddox, Reddy, Reynolds, Spencer of Napa, Taylor, and Wolfskill—13.

#### IN SENATE.

SENATE CHAMBER, }  
Monday, March 5, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names.

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill.

Quorum present.

On motion of Mr. Kellogg, the reading of the Journal was dispensed with.

Journal of Saturday approved.

Mr. Sullivan asked leave to introduce a bill.

On a roll-call of the Senate, the request was granted by the following vote:

AYES—Messrs. Baldwin, Brooks, Chandler, Cox, Cronan, Dougherty, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, McCarthy, McClure, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill—30.

NOES—None.

#### INTRODUCTION OF A BILL.

The following bill was introduced, read by title, and on motion of Mr. McCarthy, placed on file for first reading:

By Mr. Sullivan: Senate Bill No. 391—An Act providing for submitting to a vote of the qualified electors of a county, or city and county, a proposal to issue bonds.

Read first time, and placed on file for second reading.

Mr. Keating moved to take up Senate Bill No. 372 out of order.

Lost.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

##### ON IRRIGATION, WATER RIGHTS, DRAINAGE, AND MINING DEBRIS.

SENATE CHAMBER, SACRAMENTO, March 3, 1883.

MR. PRESIDENT: Your Committee on Irrigation, Water Rights, Drainage, and Mining Debris, to whom was referred Assembly Bill No. 16—An Act to compel individuals, companies, or corporations owning or controlling water for purposes of irrigation, to distribute the water pro rata among purchasers in times of scarcity—have had the same under consideration, and now report the same back to the Senate without recommendation.

ENGLISH, Chairman.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. English: Concurrent Resolution No. 21:

WHEREAS, Certain parties assert a title under a pretended Mexican grant, called the "Sobrante," to about ninety thousand acres of land near the Bay of San Francisco, and extending from the vicinity of Martinez, on the north, to the vicinity of Haywards, on the south; and whereas, the greater part of said lands are occupied by bona fide settlers, who have lived thereon and improved the same for many years, with the expectation of acquiring their titles under the homestead and preemption laws; and whereas, this immense land claim has, for the past twenty-five years, seriously retarded the growth and prosperity of Contra Costa and Alameda Counties, and has been a constant source of annoyance, expense, and hardship to the large number of settlers upon said lands; and whereas, for nearly five years there has been pending before the Department of the Interior a contest between the "Sobrante" claimants and the settlers as to the survey thereof, which is still undecided; therefore, be it

*Resolved by the Senate of the State of California, the Assembly concurring,* That the Secretary of the Interior is hereby respectfully requested to give to said case his early and personal attention, and to decide the question of the location and extent of said "Sobrante" at as early a day as possible, and thereby relieve the settlers from further doubt and suspense regarding their land titles.

*Resolved further,* That the Secretary of State is hereby directed to forward a copy of this resolution to the Secretary of the Interior, and also to each of the Representatives in Congress from this State, and that the latter be requested to use all honorable means to protect the rights



of the said settlers as against the claims of those professing to hold the Mexican grant title thereto.

Adopted.

By Mr. Cox :

*Resolved*, That Senator W. B. English be and he is hereby allowed the sum of eighteen dollars and twenty cents out of the Contingent Fund of the Senate for mileage to and from Berkeley, Alameda County, while in the performance of his duty as a member of the Committee on Finance.

Referred to Committee on Contingent Expenses and Mileage.

By Mr. Kellogg:

*Resolved*, That the special orders for the day be temporarily suspended, and that the rules of the Senate be suspended, and that we do now proceed to read bills upon the third reading special file; *second*, bills upon the second reading special file; *third*, bills upon the first reading special file; *fourth*, bills upon the third reading general file; *fifth*, special orders; *sixth*, Assembly messages.

Resolution adopted.

#### SPECIAL FILE—(THIRD READING).

Assembly Bills Nos. 77 and 128 temporarily passed on file.

Senate Bill No. 155—An Act to amend section four of article eleven of the Constitution of the State of California.

Read third time, and passage refused by the following vote:

AYES—Messrs. Baldwin, Buck, Chandler, Dougherty, Filcher, Fraser, Harrigan, Kelley of Solano, Kellogg, McCarthy, Perry, Routier, Spence of Napa, Taylor, Vrooman, and Whitney—16.

NOES—Messrs. Brooks, Cox, Cross, Foster, Johnson, Keating, Knight, Langford, Lynch, Maddox, McClure, Reynolds, Ryan, Spence of Stanislaus, Sullivan, and Wolfskill—16.

Senate Bill No. 285—An Act to amend sections three thousand six hundred and sixty-four, three thousand six hundred and sixty-five, and three thousand seven hundred and thirty-four, and to add six new sections, to be numbered three thousand six hundred and sixty-six, three thousand six hundred and sixty-seven, three thousand six hundred and sixty-eight, three thousand six hundred and sixty-nine, three thousand six hundred and seventy, and three thousand seven hundred and seventy-one, to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to repeal a portion of section three thousand six hundred and fifty, all relating to revenue, and particularly to the assessment of railways by the State Board of Equalization, and the collection of State and county and city and county taxes due upon such assessment.

Read third time, and passed by the following vote:

AYES—Messrs. Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reynolds, Routier, Ryan, Spence of Napa, Spence of Stanislaus, Sullivan, Taylor, Vrooman, and Whitney—35.

NOES—None.

Title read and approved.

In accordance with notice previously given, Mr. Vrooman moved to reconsider the vote by which Assembly Bill No. 356 was passed.

Mr. Harrigan moved to indefinitely postpone this motion.

Ayes and noes demanded by Senators Kelly, Lynch, and Perry.  
Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, Nelson, Reynolds, Ryan, Spencer of Napa, Sullivan, and Taylor—27.

NOES—Messrs. Chandler, Fraser, McClure, Perry, Routier, Vrooman, and Whitney—7.

So ordered.

In accordance with notice previously given, Mr. Routier moved to reconsider the vote by which Senate Bill No. 196 was refused passage.

Carried.

Senate Bill No. 196—An Act to provide for the purchase of certain portraits by the State Board of Examiners, and to appropriate money therefor.

After debate, the bill was passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Chandler, Cronan, Cross, Del Valle, Dougherty, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, McCarthy, Nelson, Perry, Routier, Ryan, Spencer of Napa, Taylor, Vrooman, and Whitney—27.

NOES—Messrs. Buck, Filcher, McClure, Reynolds, and Sullivan—5.

Title read and approved.

#### SECOND READING.

Assembly Bill No. 448, Senate Bill No. 90, and Assembly Bill No. 288 passed on file.

Senate Bill No. 338—An Act to provide for the erection of a building for the insane at the State Asylum at Stockton, and for the improvement of the drainage and water supply thereof.

Read second time, and ordered engrossed, and to a third reading.

Senate Bill No. 295—An Act to secure a representation of the resources and industries of California at the Amsterdam International Exhibition, and provide for the expenses thereof.

Read second time, ordered engrossed, and to a third reading.

Senate Bill No. 358—An Act to appropriate money for the support of aged persons in indigent circumstances.

Read second time, amendment of the committee adopted, and the bill as amended ordered engrossed and to a third reading.

Assembly Bill No. 310—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880.

Read second time, ordered engrossed, and to a third reading.

Senate Bill No. 348—An Act to appropriate money for the construction and completion of roads and trails, and generally to improve and preserve the territory within the limits of the Yosemite Valley and Mariposa Big Tree grant.

Read second time, substitute recommended by the committee adopted, and amended by adding to section one the following: "Provided, that a sum not to exceed fifteen hundred dollars shall be first set apart to purchase and make free the trail within the Yosemite grant, known as the Eagle Point Trail, which trail has been constructed and is now controlled by one John Conway, and for passing

over which tolls are now collected," and the bill as amended ordered engrossed, and to a third reading.

Senate Bill No. 352—An Act to appropriate money for the improvement of the water supply for the Deaf and Dumb and Blind Asylum.

Read second time, and ordered engrossed, and to a third reading.

Senate Bill No. 356—An Act for the appropriation of money for the erection of buildings and improvements and the purchase of land for the Napa State Asylum for the Insane.

Read second time.

Section one amended, by striking out the words "nineteen thousand" in line one, and inserting in lieu thereof the words "thirteen thousand five hundred;" by striking out in line five the words "to fence the grounds, three thousand dollars," and the words "to repair the painting of the building, two thousand five hundred dollars."

Bill as amended ordered engrossed, and to a third reading.

Senate Bill No. 365—An Act to appropriate money for the repair of the roof of the Capitol, for the plumbing, painting, renovating, and ventilating of the State Capitol.

Consideration indefinitely postponed.

Senate Bill No. 287—An Act to appropriate money for the purchase of calligraphs for the use of teachers and students residing at the Asylum for the Deaf, Dumb, and Blind.

Withdrawn by the author, Mr. Knight.

Senate Bill No. 243—An Act making appropriations to pay deficiencies in the appropriations for the support of the government for the thirty-fourth fiscal year.

Read second time, amendment of the committee adopted, and the bill as amended ordered engrossed and to a third reading.

Senate Bill No. 333—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-second fiscal year.

Read second time, ordered engrossed, and to a third reading.

Senate Bill No. 334—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-third fiscal year.

Read second time, ordered engrossed, and to a third reading.

Senate Bill No. 335—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-fourth fiscal year.

Read second time, ordered engrossed, and to a third reading.

Senate Bill No. 368—An Act making appropriation to pay deficiency in the appropriation for repairs to State Capitol building and furniture and purchase of carpets for the thirty-fourth fiscal year.

Read second time, ordered engrossed, and to a third reading.

#### FIRST READING—(SPECIAL FILE).

Senate Bill No. 293—An Act to amend section nine of article thirteen of the Constitution of the State of California.

First reading refused.

Senate Bill No. 332—An Act to amend section five, article eleven, of the Constitution of the State of California.

Read first time, and placed on file for second reading.

Senate Bill No. 342—An Act to amend sections twenty-two, twenty-

three, and twenty-four of article twelve of the Constitution of the State of California.

Read first time, and placed on file for second reading.

### THIRD READING—(GENERAL FILE).

Senate Bill No. 156—An Act to amend section three hundred and forty-nine of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, known as the Civil Code, relative to the collection of delinquent assessments levied by corporations.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Del Valle, Dougherty, English, Harrigan, Keating, Kellogg, Knight, McClure, Murphy, Perry, Routier, Ryan, Spence of Napa, Vrooman, Whitney, and Wolfskill—21.

NOES—Messrs. Cross, Filcher, Johnson, Langford, Maddox, Reynolds, and Spencer of Stanislaus—7.

Title read and approved.

Assembly Bill No. 39—An Act to repeal section five hundred and five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to street railroad corporations.

Passed on file.

Assembly Bill No. 82—An Act to pay the claim of James Saultry.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Fraser, Harrigan, Johnson, Keating, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, Vrooman, and Whitney—30.

NOES—Mr. Wolfskill—1.

Title read and approved.

Senate Bill No. 21—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as section three hundred and nine a, relating to suits by stockholders of corporations.

Read third time, and withdrawn by the author, Mr. McClure.

Senate Bill No. 40—An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the punishment of receivers of stolen property.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Fraser, Harrigan, Johnson, Keating, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, Vrooman, Whitney, and Wolfskill—34.

NOES—None.

Title read and approved.

Senate Bill No. 110—An Act to amend section eight hundred and fifty-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the absence of State officers from the State.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, Vrooman, and Whitney—31.

NOES—None.

Title read and approved.



Senate Bill No. 186—An Act to amend section three hundred and eighty-eight of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to satisfaction of judgment against and sale of franchise owned by corporations, associations, or other persons.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lyneh, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, and Whitney—35.

NOES—None.

Title read and approved.

Senate Bill No. 98—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known as section six hundred and sixty-three, relating to proceedings for new trials.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Fraser, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill—34.

NOES—None.

Title read and approved.

Senate Bill No. 58—An Act for the protection of the dairy industry of this State and the consumers of dairy products.

Withdrawn by the author, Mr. English.

Senate Bill No. 99—An Act to amend section six hundred and forty-nine of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to bills of exceptions.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Maddox, McClure, Murphy, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill—32.

NOES—None.

Title read and approved.

Senate Bill No. 115—An Act entitled "An Act to amend section one thousand nine hundred and sixty-two of an Act to establish a Political Code," approved March 12, 1872, relative to number of officers and privates of companies.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Maddox, McCarthy, Murphy, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill—33.

NOES—Mr. Filcher—1.

Title read and approved.

Senate Bill No. 116—An Act entitled an Act to amend section one thousand nine hundred and sixty-five of an Act to establish a Political Code, approved March 12, 1872, relative to bonds to secure the State against loss of property, or company funds, etc.

Read third time, and passed by the following vote:



AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Dougherty, English, Filcher, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, McCarthy, Murphy, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Whitney, and Wolfskill—30.

NOES—None.

Title read and approved.

Assembly Bill No. 27—An Act to add a new section to the Code of Civil Procedure, to be known as section one thousand two hundred and seven, providing the manner in which preferred labor claims may be disputed.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Dougherty, English, Filcher, Fraser, Harrigan, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Whitney, and Wolfskill—31.

NOES—None.

Title read and approved.

Assembly Joint Resolution No. 1—Relative to the Mexican veteran pension bill.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Del Valle, Dougherty, English, Filcher, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Whitney, and Wolfskill—33.

NOES—None.

Title read and approved.

Assembly Bill No. 247—An Act to authorize and empower the State Board of Harbor Commissioners to adjust and pay the claim of Daniel McNeil.

Read third time, and passed by the following vote:

AYES—Messrs. Brooks, Buck, Chandler, Cross, Del Valle, Dougherty, English, Filcher, Fraser, Harrigan, Johnson, Keating, Kellogg, Knight, Langford, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Routier, Ryan, Spencer of Stanislaus, Taylor, Whitney, and Wolfskill—27.

NOES—Messrs. Kelly of San Francisco, Lynch, Reynolds, and Sullivan—4.

Title read and approved.

Senate Bill No. 120—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as section three thousand eight hundred and seventeen, relating to revenue and the collection of property taxes and redemption from sales therefor.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cross, Del Valle, Dougherty, English, Filcher, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Sullivan, Taylor, and Whitney—30.

NOES—Messrs. Langford, Spencer of Stanislaus, and Wolfskill—3.

Title read and approved.

Senate Bill No. 181—An Act to amend sections six hundred and twenty-six, six hundred and thirty-one, six hundred and thirty-two, six hundred and thirty-four, and six hundred and thirty-six, and to repeal sections six hundred and twenty-seven, six hundred and

twenty-eight, and six hundred and twenty-nine of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the preservation of game and fish.

Read third time.

Mr. Cross moved to amend, by inserting the words "except mountain quail," in line three, of section one, after the word "quail."

Lost.

Bill passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Routier, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Whitney—31.

NOES—Messrs. Cross, Johnson, Reynolds, Ryan, and Wolfskill—5.

Title read and approved.

#### REPORT OF COMMITTEE ON ENGROSSED BILLS.

SENATE CHAMBER, March 5, 1883.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred Assembly Bills Nos. 77 and 128, have examined the same and find them properly engrossed.

NELSON, Chairman.

Mr. Del Valle gave notice that, on the following day, he would move for a reconsideration of the vote whereby Senate Bill No. 181 was passed.

Mr. Taylor moved to take up Assembly messages out of order.

Lost.

#### SPECIAL FILE—(THIRD READING RESUMED).

Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years.

Read third time, and passed by the following vote:

AYES—Messrs. Buck, Chardler, Cox, Cronan, Cross, Del Valle, English, Filcher, Foster, Fraser, Johnson, Kelly of San Francisco, Kelley of Solano, Knight, Langford, Lynch, Maddox, McClure, Murphy, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Vrooman, Whitney, and Wolfskill—29.

NOES—None.

Title read and approved.

Assembly Bill No. 128—An Act to divide the State into Assembly Districts, and to provide for the election of Assemblymen therein.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, English, Filcher, Foster, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, and Wolfskill—29.

NOES—Messrs. Fraser, McClure, Perry, Routier, Vrooman, and Whitney—6.

Title read and approved.

Senate Bill No. 117—Passed on file.

#### MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this

day, passed Assembly Bill No. 162—An Act amending section five hundred and twenty-six of the Code of Civil Procedure of the State of California, relative to the granting of injunctions.

M. C. HALEY, Chief Clerk.

Referred to Judiciary Committee.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 2, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills:

Assembly Bill No. 127—An Act to prevent the introduction of contagious or infectious diseases into the State of California.

Also, Assembly Bill No. 150—An Act to amend section four hundred and eleven of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the manner of commencing civil actions and the service of summons therein.

Also, Assembly Bill No. 303—An Act to declare Feather River navigable from its mouth to Burt's Ferry.

Also, Assembly Bill No. 477—An Act to provide for the erection of a wall at the State Prison at Folsom. (Introduced on behalf of committee.)

M. C. HALEY, Chief Clerk.

Assembly Bill No. 127—Referred to Committee on Hospitals.

Assembly Bill No. 150—Referred to Committee on Judiciary.

Assembly Bill No. 303—Referred to Committee on Commerce and Navigation, with instructions to report to-morrow, at ten o'clock A. M.

Assembly Bill No. 477—Referred to Committee on State Prisons and Prison Buildings, with instructions to report to-morrow, at ten o'clock A. M.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the second day of March, A. D. eighteen hundred and eighty-three, passed Assembly Bill No. 183—making an appropriation to pay a deficiency in the appropriations for the thirty-third and thirty-fourth fiscal years.

M. C. HALEY, Chief Clerk.

Referred to the Committee on Finance.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bill: Assembly Bill No. 508—An Act to amend section one thousand six hundred and sixty-three of the Political Code, in relation to public schools, and requiring County Boards of Education in the several counties to divide certain schools into primary and grammar grades, to prescribe a course of study for such grades, and for a grammar school course, to provide for examinations therein, and that school districts may elect to have the grammar school course taught in their respective districts.

M. C. HALEY, Chief Clerk.

Placed on file for first reading.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 3, 1883.

MR. SPEAKER: I am directed to inform your honorable body that the Assembly, on this day, passed the following bill: Senate Bill No. 228—An Act to provide for the submission of proposed amendments to the Constitution of the State of California to the qualified electors for their approval.

Also, adopted Assembly Concurrent Resolution No. 53—Relative to sending reports of State and other officers to the members elect of the Legislature.

M. C. HALEY, Chief Clerk.

Senate Bill No. 228—Referred to Committee on Enrolled Bills.

Assembly Concurrent Resolution No. 53—Placed on file for first reading.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the second day of March, eighteen hundred and eighty-three, passed Assembly Bill No. 327—An Act to repeal an Act entitled "An Act to amend an Act entitled 'An Act to regulate the practice

of pharmacy in the City and County of San Francisco," passed March 28, 1872, and passed by the State Legislature February 3, 1876.

Also, on this day, passed Senate Bill No. 131—An Act to appropriate money for the support of aged and indigent persons residing in the home of the Veterans' Home Association.

Also, Assembly Bill No. 503—An Act to authorize the Common Council, Board of Trustees, or other governing body of any incorporated city or town, other than cities of the first class, to re-fund its indebtedness, to issue bonds therefor, and provide for the payment of the same.

Also, Senate Bill No. 112—An Act for the relief of James Saultry, for personal injuries received by him while in the service of the State—with Assembly amendments to the same, and ask the Senate to concur in said amendments.

M. C. HALEY, Chief Clerk.

Assembly Bill No. 327—Referred to Committee on Hospitals.

Senate Bill No. 131—Referred to Committee on Enrolled Bills.

Assembly Bill No. 503—Placed on file for first reading.

Senate Bill No. 112—Placed on special file.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, has had under consideration Assembly Bill No. 130, as amended by the Senate—and now report that said amendments have all been concurred in, except the amended section number forty-five, in which the Senate is asked to recede from its action in said amendment.

M. C. HALEY, Chief Clerk.

By G. W. HERRERT, Assistant Clerk.

Mr. Cross moved that the Senate adhere to its action on Assembly Bill No. 130.

Carried.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March fifth, eighteen hundred and eighty-three, passed Assembly Bill No. 356—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, and to repeal section two thousand five hundred and thirty-four of said Code, all of said sections relating to the Board of State Harbor Commissioners, their powers and duties—concurring in Senate amendments, with exception of amendment whereby section two thousand five hundred and forty-five was amended, and respectfully request that the Senate recede from its position whereby said section two thousand five hundred and forty-five was amended.

M. C. HALEY, Chief Clerk.

Mr. Lynch moved that the Senate do now recede from its action on section two thousand five hundred and forty-five of this bill.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Cox, Cronan, English, Filcher, Foster, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Knight, Langford, Lynah, Maddox, Murphy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—23.

NOES—Messrs. Chandler, Cross, Del Valle, Fraser, Kellogg, McCarthy, McClure, Perry, Routier, Ryan, Vrooman, and Whitney—12.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 5, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills:

Assembly Bill No. 467—An Act to amend section one thousand four hundred and ninety-seven of the Political Code, relating to normal schools.

Also, Senate Bill No. 247—An Act to provide for the better control and management of the several funds of the University of California, and for the investment and security of the same.

Also, Assembly Bill No. 462—An Act to authorize cities to erect and maintain drawbridges across navigable streams that flow through or penetrate the boundaries of such cities.

M. C. HALEY, Chief Clerk.

By G. W. HERRERT, Assistant Clerk.



Assembly Bill No. 467—Placed on file for first reading.

Senate Bill No. 247—Referred to Committee on Enrolled Bills.

Assembly Bill No. 462—Placed on file for first reading.

Mr. Knight moved to suspend the rules, and take up Assembly Bill No. 21.

Carried.

Assembly Bill No. 21—An Act supplementary to an Act entitled "An Act to form agricultural districts, to provide for the organization of agricultural associations therein, and for the management of the same by the State," approved April 15, 1880.

Mr. Knight moved that the rules be suspended, and this bill be considered read the first time.

Carried.

Mr. Kellogg moved that the provisions of article four, section fifteen, of the Constitution, be suspended, Assembly Bill No. 21 be declared a case of urgency, and read second time.

Roll called, with the following result:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, English, Fileher, Foster, Fraser, Johnson, Kellogg, Knight, Langford, Lyneh, Maddox, McCarthy, McClure, Nelson, Perry, Routier, Ryan, Spencer of Napa, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill—30.

NOES—Mr. Spencer of Stanislaus—1.

Carried.

Assembly Bill No. 21—On motion of Mr. Kellogg, this bill was considered read second time, and placed upon its passage.

Assembly Bill No. 21—Read third time, and passage refused by the following vote:

AYES—Messrs. Brooks, Cronan, Del Valle, English, Johnson, Kelley of Solano, Knight, McClure, Spencer of Stanislaus, Sullivan, Vrooman, and Wolfskill—12.

NOES—Messrs. Baldwin, Cross, Fileher, Foster, Fraser, Kellogg, Langford, Lynch, McCarthy, Murphy, Perry, Reynolds, Routier, Ryan, Taylor, and Whitney—16.

#### ADJOURNMENT.

At six o'clock and thirty minutes P. M., on motion of Mr. Taylor, the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Tuesday, March 6, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Fileher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.



Mr. Whitney moved to dispense with the reading of the Journal. Ayes and noes demanded.

Roll called, and the motion lost by the following vote :

AYES—Messrs. Baldwin, Fraser, Harrigan, Kellogg, Knight, Langford, Reynolds, Whitney, and Wolfskill—9.

NOES—Messrs. Buck, Chandler, Cronan, Cross, Kelly of San Francisco, Lynch, McClure, Perry, Reddy, Routier, Ryan, Spencer of Stanislaus, Taylor, Vrooman, and Wallis—15.

Journal of yesterday partially read, and, on motion of Mr. Fraser, further reading of the Journal was dispensed with.

Journal approved.

#### PETITIONS.

By Mr. Knight :

*To the honorable the Senate of the State of California :*

The petition of the undersigned, Montague R. Levenson, respectfully sheweth : There is now pending before your honorable House a bill, which has passed the Assembly, to amend the law relating to persons of unsound mind. By the operation of this bill, should it become a law, it will no longer be permitted for insane persons to be let loose upon the community after killing or attempting to kill a fellow creature, nor for willful murderers to escape all punishment under a false pretense of insanity.

The entire community of the State, except a few attorneys, who derive profit from the insanity dodge plea in the case of wealthy murderers, demands the passage of that bill into a law, and the most enlightened portions of the press of other States—including the Tribune, the World, and Times, of New York—have, in leading articles, recommended the passage of exactly such a law in their several States. They have also greatly praised the Legislature of California, under the supposition that that bill has already become a law. But that bill still languishes on the files of your honorable House, and unless taken up out of its order, or as urgent, is not likely to pass before the adjournment of your honorable House and of the Assembly and Legislature.

Therefore, that justice may no longer be so scandalized as she has been wont to be by the successful working of the insanity fraud by wealthy murderers and other influential criminals, your petitioner humbly prays that said bill may be declared urgent, and at once put through the necessary readings and final passage. And your petitioner, etc.,

MONTAGUE R. LEVERSON,  
Member of Assembly, Twelfth District.

Referred to Committee on Judiciary.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Vrooman :

WHEREAS, At every preceding session of the Legislature there has been appointed a paper-folder of the Senate, whose duty it was to wrap and mail bills and documents for the Senators; and whereas, there has been no paper-folder appointed this session, but the duties of said officer have been performed by Andrew J. Clunie; therefore, be it

*Resolved*, That the Controller be authorized and directed to draw his warrant in favor of said Andrew J. Clunie at the rate of one dollar per day from the beginning of the session, payable out of the Contingent Fund of the Senate.

Adopted.

By Mr. Kellogg :

*Resolved*, That the Rules of the Senate be suspended for this day, and that the following order of business be adopted :

*First*—Presentation of petitions.

*Second*—Reports of Standing Committees.

*Third*—Messages from the Governor.

*Fourth*—Messages from the Assembly.

*Fifth*—Actions on notices to reconsider.

*Sixth*—Third reading special file.

*Seventh*—Taking up bills out of order for one hour; provided, that no objection be made by more than five Senators.

*Eighth*—Second reading and first reading special file.

*Ninth*—The Municipal Government Bill, the special order of the day for two o'clock P. M.

*Tenth*—The County Government Bill, the special order for three o'clock P. M.

*Eleventh*—Special orders of the day.

*Twelfth*—Second reading general file.

*Thirteenth*—First reading general file.

It shall require a two-thirds vote of the Senators voting to change this rule for the day.

Adopted.

#### PETITIONS.

By Mr. Johnson: Memorial of the California Silk Culture Association, praying for the passage of Senate Bill No. 372.

#### REPORTS OF COMMITTEES.

##### ON ENROLLED BILLS.

SENATE CHAMBER, SACRAMENTO, March 5, 1883.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bill No. 50, and that the same has been placed in the hands of the Governor.

HARRIGAN, Chairman.

##### ON MINES AND MINING.

SENATE CHAMBER, SACRAMENTO, March 3, 1883.

MR. PRESIDENT: Your Committee on Mines and Mining, having under consideration the memorial of the Legislature of the State of Nevada, relative to the coinage laws concerning silver bullion, respectfully report the same back, and recommend that the Senate concur therein.

KELLOGG, Chairman.

On motion, the Senate concurred in the memorial.

##### ON CLAIMS.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Assembly Concurrent Resolution No. 52—Relative to the claim of Esther H. Dennis, and other heirs of William E. Dennis, deceased—have had the same under consideration, and beg leave to report that they cannot recommend its adoption.

March 5, 1883.

KELLEY of Solano, Chairman.

Assembly Concurrent Resolution No. 52 adopted.

##### ON FINANCE.

SENATE CHAMBER, SACRAMENTO, March 6, 1883.

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 321—An Act to appropriate the sum of three thousand dollars for the purpose of paying the rent of the Hastings College of Law, San Francisco—have had the same under consideration, and would report the same back, with a substitute for the same, and recommend the passage of the substitute.

Also, Assembly Bill No. 183—An Act making an appropriation to pay a deficiency in the appropriations for the thirty-third and thirty-fourth fiscal years—have had the same under consideration, and report the same back to the Senate, and recommend that it do pass.

RYAN, Chairman.

##### ON STATE PRISONS AND PRISON BUILDINGS.

SENATE CHAMBER, SACRAMENTO, March 6, 1883.

MR. PRESIDENT: The undersigned, members of your Committee on State Prisons, to whom was referred Assembly Bill No. 477—Relative to the appropriation for a wall at Folsom—have had the same under consideration, and now report the same back, and recommend it do pass.

PATRICK REDDY, Chairman.

C. F. FOSTER.

JOHN DOUGHERTY.

J. D. SPENCER.

MARTIN KELLY.

GEORGE H. PERRY.

J. ROUTIER.

T. K. NELSON.

SENATE CHAMBER, SACRAMENTO, March 6, 1883.

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 303—An Act to declare Feather River navigable from its mouth to Burt's Ferry—have had the same under consideration, and report the same back, and recommend its passage.

Also, Assembly Bill No. 331—An Act to amend sections four, six, seven, and eight, and to repeal sections five, nine, and ten of an Act approved March 17, 1880, entitled "An Act to amend section six of an Act entitled 'An Act concerning the water front of the City and County of San Francisco,' approved March 15, 1878, and to confer further powers upon the Board of State Harbor Commissioners"—and recommend that it do not pass.

LYNCII, Chairman.

## MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, March 6, 1883.

MR. PRESIDENT: The undersigned, a minority of the Committee on Commerce and Navigation, to whom was referred the Substitute for Assembly Bill No. 331—conferring further powers upon the Board of State Harbor Commissioners—has had the same under consideration, and report that said bill ought to pass.

At the present time, and under existing laws, tolls on merchandise in the port of San Francisco are collected by the load, passing on or off the wharves. This system requires a large force of collectors, one at each wharf; the number now employed is twenty-eight, at monthly salaries of one hundred dollars each. In addition to this expense, which amounts to about fifteen per cent of the sums actually turned in, the system is objectionable, as no check exists upon the collectors from which it may be known whether the amounts actually accounted for are the total amounts collected. It is the least objection to such a mode of collection that the State may not receive the full amount collected on its behalf. It is not only impolitic but morally wrong to subject a subordinate to an unnecessary temptation to peculation. The experience of mankind warrants the assertion that persons, selected as such officials usually are, will in some instances, more or less rare, forget their obligations and lay themselves liable to the gravest charges. Fortunately, there is reason to believe that such instances among the appointees of the present Board have been rare.

On the grounds of increased expense, and the impolicy of the present mode of collection, the Boards of Harbor Commissioners have, at each session of the Legislature, recommended the adoption of the "manifest system" of collecting tolls. The present bill is the embodiment of this idea, and was drawn by Democratic members of the late Board as a needed administrative reform. By the proposed bill the ship, on coming to the wharf to discharge, pays toll at the Harbor Commissioners' office upon the entire freight borne upon its manifest, and thereupon receives a permit to land its cargo. The sum is paid in gross by the consignee instead of in five and ten cent tolls upon each load. Similarly, the ship about to receive a cargo makes a deposit to cover its probable tonnage, and receives a permit to take its outward cargo, a final settlement being made on the basis of its manifest when the loading is completed. This mode of collecting tolls is in force at Baltimore and other cities, and is found to work well. By its adoption in San Francisco twenty-two collectors may be dispensed with, and there will result a saving to the State in salaries alone of nearly twenty-eight thousand dollars per year. The last two Legislatures have attempted the proposed reform—in one instance the law having been held unconstitutional upon an informality in its enactment, and in the other instance the pressure of other matters, deemed more important, prevented its passage in more than one House. The present bill has received the almost unanimous approval of the lower House. The present occasion is auspicious as giving the dominant party a signal opportunity to inaugurate this reform, and receive the credit which might have belonged to its predecessors. It will also tend to furnish some refutation of a conviction generally entertained, that the recent legislation turning out the present Board of Commissioners is based rather upon a desire to furnish places for clamoring partisans than upon a sincere desire for administrative reform.

GEORGE E. WHITNEY.

## NOTICES OF RECONSIDERATION.

In accordance with previous notice, Mr. Del Valle moved to reconsider the vote whereby Senate Bill No. 181 was passed.

Mr. Kellogg moved to indefinitely postpone the motion to reconsider.

Carried.

Mr. Spencer of Napa moved to postpone the notice of reconsidering Assembly Concurrent Resolution No. 21.

Carried.

## REPORT OF COMMITTEE ON ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 6, 1883.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred Senate Bills Nos. 358, 334, 243, 295, 368, 338, 356, 348, 333, 335, 352—have examined the same, and find them properly engrossed.

NELSON, Chairman.

## SPECIAL FILE—(THIRD READING).

Senate Bill No. 338—An Act to provide for the erection of a building for the insane at the State Asylum at Stockton, and for the improvement of the drainage and water supply thereof.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Dougherty, English, Fraser, Harrigan, Kellogg, Knight, McClure, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—22.

NOES—Messrs. Cross, Filcher, Foster, Johnson, Kelly of San Francisco, Kelley of Solano, and Lynch—7.

Title read and approved.

Senate Bill No. 295—An Act to secure a representation of the resources and industries of California at the Amsterdam International Exhibition, and provide for the expenses thereof.

Read third time, and passage refused by the following vote:

AYES—Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Dougherty, English, Harrigan, Johnson, Lynch, McClure, Reddy, Routier, Spencer of Napa, Spencer of Stanislaus, Vrooman, Wallis, and Whitney—18.

NOES—Messrs. Cross, Filcher, Foster, Fraser, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Reynolds, Taylor, and Wolfskill—11.

Mr. Cross gave notice that, on the following day, he should move for a reconsideration of the vote whereby Senate Bill No. 295 was refused passage.

Senate Bill No. 358—Passed on file.

Assembly Bill No. 310—An Act to amend an Act entitled "An Act to appropriate money for the support of orphans, half orphans, and abandoned children," approved March 25, 1880.

Read third time.

Mr. Cross moved a call of the Senate.

Carried.

## CALL OF THE SENATE.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Cross, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Lynch, McClure, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Speneer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

The Sergeant-at-Arms was furnished a list of absentees, and the doors closed.

The Sergeant-at-Arms appeared, and announced that Senators Maddox and Brooks were without, desiring admittance.

On motion, Senators Maddox and Brooks were admitted, and afterwards excused.

Mr. Spencer of Napa moved that further proceedings under the call of the Senate be dispensed with.

Ayes and noes demanded.



Roll called, and the motion carried by the following vote:

**AYES**—Messrs. Baldwin, Brooks, Chandler, Cox, Cross, Filcher, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, Perry, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—23.

**NOES**—Messrs. Buck, Cronan, Dougherty, English, Kelley of Solano, McClure, Routier, Ryan, Vrooman, Wallis, and Whitney—11.

So ordered.

Assembly Bill No. 310, passed by the following vote:

**AYES**—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, McClure, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, and Whitney—31.

**NOES**—Messrs. Langford and Lynch—2.

Title read and approved.

Senate Bill No. 348—Passed on file.

Senate Bill No. 352—An Act to appropriate money for the improvement of the water supply of the Deaf and Dumb and Blind Asylum.

Read third time, and passed by the following vote:

**AYES**—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, English, Foster, Fraser, Harrigan, Keating, Kelley of Solano, Kellogg, Knight, Langford, McClure, Perry, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—27.

**NOES**—Messrs. Filcher, Kelly of San Francisco, and Lynch—3.

Title read and approved.

Senate Bill No. 356—An Act for the appropriation of money for the erection of buildings and improvements and the purchase of land for the Napa State Asylum for the Insane.

Read third time, and passed by the following vote:

**AYES**—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, English, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, McClure, Perry, Reddy, Reynolds, Routier, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—30.

**NOES**—Messrs. Filcher and Lynch—2.

Title read and approved.

Assembly Bill No. 243—An Act making appropriations to pay deficiencies in the appropriations for the support of the government for the thirty-fourth fiscal year.

Read third time, and passed by the following vote:

**AYES**—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Dougherty, English, Filcher, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, McClure, Perry, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Vrooman, Wallis, and Whitney—30.

**NOES**—Messrs. Lynch, Taylor, and Wolfskill—3.

Title read and approved.

Senate Bill No. 333—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-second fiscal year.

Read third time, and passed by the following vote:

**AYES**—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, English, Filcher, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg,



Knight, Langford, McClure, Nelson, Perry, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Wallis, Whitney, and Wolfskill—30.  
 NAYS—Mr. Lynch—1.

Title read and approved.

Senate Bill No. 334—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-third fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Dougherty, English, Filcher, Fraser, Johnson, Keating, Kelley of Solano, Kellogg, Knight, Langford, McClure, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill—30.  
 NAYS—Mr. Lynch—1.

Title read and approved.

Senate Bill No. 335—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-fourth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Dougherty, English, Filcher, Fraser, Johnson, Keating, Kelley of Solano, Kellogg, Knight, Langford, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, and Whitney—30.  
 NAYS—Mr. Lynch—1.

Title read and approved.

Senate Bill No. 368—An Act making appropriation to pay deficiency in the appropriation for repairs to State Capitol building and furniture and purchase of carpets for the thirty-fourth fiscal year.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Dougherty, English, Filcher, Fraser, Johnson, Keating, Kelley of Solano, Kellogg, Knight, Langford, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, and Whitney—31.  
 NAYS—Mr. Lynch—1.

Title read and approved.

#### CONSIDERATION OF BILLS—(OUT OF ORDER).

On motion of Mr. Cross, the Senate took up Assembly Bill No. 67.  
 Assembly Bill No. 67—An Act to amend the law relating to persons of unsound mind.

Read first time, and placed on file for second reading.

On motion of Mr. Keating, the Senate took up Senate Bill No. 372.  
 Senate Bill No. 372—An Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof.

Read second time, ordered engrossed and to a third reading.

#### SPECIAL FILE RESUMED—(THIRD READING).

Senate Bill No. 348—An Act to appropriate money for the purchase, construction, and completion of avenues, roads, trails, walks, and bridges, and generally to improve and preserve the territory

within the limits of the Yosemite Valley and Mariposa Big Tree grant.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelley of Solano, Kellogg, Knight, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—33.

NOES—Messrs. Filcher and Lyneh—2.

Title read and approved.

Mr. Murphy gave notice that, on the following day, he should move for a reconsideration of the vote whereby Senate Bill No. 348 was passed.

Mr. McClure moved to reconsider the vote whereby Senate Bill No. 372 was ordered engrossed and to a third reading.

Carried.

Senate Bill No. 372—Amendments of the committee adopted.

On motion of Mr. Kellogg, the following amendments to the bill were adopted: Amend section four, line one, after the word "receive," insert "manage," and after the word "and," same section and line, strike out the word "hold," and insert the word "use." Amend section four, line two, by striking out all after the word "State," down to and including the word "culture," in line five. Amend section four, by striking out all after the word "reeling," in line seven, down to end of section. Amend section five, by striking out all after the word "publication," in lines six and seven, to end of line seven. Amend, by striking out all of section six. Amend section seven, by striking out all after the word "work," in line two, down to and including the word "thereof," in line four. Amend line five, section seven, by striking out the word "biennial." Amend section seven, line six, by striking out the words "two hundred," and insert in lieu thereof the word "fifty," and in line seven strike out the word "five," and insert "two."

Bill as amended ordered engrossed and to a third reading.

#### CONSIDERATION OF BILLS—(OUT OF ORDER).

On motion of Mr. Fraser, Assembly Bill No. 212 was taken up.

Assembly Bill No. 212—An Act amendatory of and supplemental to an Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts, in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled "An Act for the relief of the inhabitants of cities and towns upon public lands," approved March 2, 1867, approved March 2, 1868.

Read first time, and placed on file for second reading.

On motion of Mr. Murphy, Senate Bill No. 216 was taken up.

Senate Bill No. 216—An Act to pay the claim of P. J. O'Connor for services as architect in the measurement of and the classification of the work done in the erection of the buildings for the Napa State Asylum for the Insane.

Read first time.

Mr. Murphy moved to suspend the provisions of section fifteen of article four of the Constitution, requiring bills to be read on three several days, that Senate Bill No. 216 be declared a case of urgency, and placed on its second reading.

Roll called, and the motion lost by the following vote:

**AYES**—Messrs. Baldwin, Brooks, Cox, Cronan, Cross, Del Valle, Dougherty, English, Fraser, Harrigan, Johnson, Keating, Knight, Maddox, McClure, Murphy, Nelson, Perry, Reddy, Routier, Ryan, Vrooman, Wallis, and Whitney—24.

**NOES**—Messrs. Buck, Filcher, Kelley of Solano, Kellogg, Langford, Lynch, Reynolds, Spencer of Stanislaus, Sullivan, and Wolfskill—10.

On motion of Mr. Ryan, Senate Bill No. 235 was taken up.

Senate Bill No. 235—An Act in relation to the inspection of steam boilers in the State of California.

Pending the reading of this bill, the hour having arrived, the President declared a recess.

#### REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Consideration of Senate Bill No. 235 resumed.

Second reading completed, amendments of the committee adopted, and the bill as amended ordered engrossed and to a third reading.

On motion of Mr. Langford, Senate Bill No. 369 was taken up.

Senate Bill No. 369—An Act to amend section two thousand one hundred and thirty-seven of an Act to establish a Political Code, approved March 12, 1872, relating to insane asylums.

Read second time, ordered engrossed, and to a third reading.

On motion of Mr. English, Senate Bill No. 337 was taken up.

Senate Bill No. 337—An Act to authorize the State Treasurer to refund and pay over certain moneys received from the sale of certain State lands.

Read first time, and placed on file for second reading.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

##### ON CONTINGENT EXPENSES AND MILEAGE.

The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz.:

*Resolved, First*—That the sum of seven hundred and seventy-six dollars and thirty-six cents be and the same is hereby appropriated out of the Contingent Fund of the Senate, the same being the expenses incurred by J. M. Dudley in the contested election case of Buck vs. Dudley, as per inclosed schedule. *Second*—That the Controller of State be and he is hereby authorized and instructed to draw his warrant in favor of J. M. Dudley for said amount of seven hundred and seventy-six dollars and thirty-six cents, and the Treasurer of State is hereby instructed to pay the same.

##### *Schedule of costs in the contested election case of Buck vs. Dudley.*

Reporting	\$397 25
Commissioner's fees	30 00
Notary	18 85
Copying	23 81
Constable	21 75
Witness	9 80
Attorneys	275 00
Total	\$776 46

Have had the same under consideration, and recommend that it do pass.

MADDOX, Chairman.

Adopted.

Mr. Kellogg moved to take up Assembly Bill No. 225.

Lost.

On motion of Mr. Baldwin, Senate Bill No. 322 was taken up.

Senate Bill No. 322—An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known as section nine hundred and sixty, relating to appeals.

Read first time, and placed on file for second reading.

On motion of Mr. Cox, Assembly Bill No. 56 was taken up.

Assembly Bill No. 56—An Act to encourage the destruction of coyotes in different counties of the State, and authorizing the Board of Supervisors of each of said counties to fix and determine the bounty for the destruction of the same.

Read first time, and placed on file for second reading.

On motion of Mr. Taylor, Assembly Bill No. 508 was taken up.

Assembly Bill No. 508—An Act to amend section one thousand six hundred and sixty-three of the Political Code, in relation to public schools, and requiring Boards of Education in the several counties to organize primary and grammar schools, and prescribe a course of study therefor.

Read first time, and placed on file.

On motion of Mr. McClure, Assembly Bill No. 290 was taken up.

Assembly Bill No. 290—An Act to add a new section to the Penal Code, to be known as section one thousand three hundred and eighty-eight, to provide for the probationary treatment of juvenile delinquents.

Read first time, and placed on file for second reading.

Mr. Reddy moved to take up Assembly Bill No. 308.

Lost.

Mr. Lynch moved to take up Senate Bill No. 331.

Lost.

Mr. Cross moved to take up Senate Bill No. 366.

Pending this question, the hour for the consideration of bills out of order expired.

#### SPECIAL FILE—(SECOND READING).

Assembly Bill No. 448, Senate Bill No. 90, Assembly Bill No. 288, and Senate Bill No. 391, passed on file.

Senate Bill No. 332—An Act to amend section five, article eleven, of the Constitution of the State of California.

Read second time, amendments of the committee adopted, and the bill as amended ordered engrossed, and to a third reading.

Senate Bill No. 340—An Act to amend sections twenty-two, twenty-three, and twenty-four of article twelve of the Constitution of the State of California.

Read second time, ordered engrossed, and to a third reading.

#### THIRD READING.

Senate Bill No. 112—An Act for the relief of James Saultry, for personal injuries received by him in the service of the State.

Mr. Ryan moved that the Senate concur in the amendments by the Assembly.

Roll called, and the motion carried by the following vote:



AYES—Messrs. Brooks, Buck, Cox, Cronan, Del Valle, Fileher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reynolds, Ryan, Spencer of Stanislaus, Taylor, and Vrooman—25.  
 NAYS—Mr. Wolfskill—1.

## FIRST READING.

Assembly Bill No. 503—An Act to authorize the Common Council, Board of Trustees, or other governing body of any incorporated city or town, to re-fund its indebtedness, to issue bonds therefor, and provide for payment of the same.

Read first time, and placed on file for second reading.

Assembly Bill No. 462—An Act to authorize cities to erect and maintain drawbridges across navigable streams that flow through or penetrate the boundaries of such cities.

Read first time, and placed on file for second reading.

## REPORT OF COMMITTEE—(OUT OF ORDER).

## ON CONTINGENT EXPENSES AND MILKAGE.

MR. PRESIDENT: The committee to whom was referred the following:

*Resolved*, That the sum of one thousand and twenty-seven dollars be and the same is hereby appropriated out of the Contingent Fund of the Senate, to pay L. W. Buck for his expenses necessarily and lawfully incurred in the contest against J. M. Dudley, for the seat in the Senate from the Nineteenth Senatorial District, and the Controller be and he is hereby directed to draw his warrant in favor of said L. W. Buck for said sum.

*Schedule.*

Reporting testimony .....	\$691 00
Witness and officers' fees .....	243 00
Commissioners' fees .....	120 00
	<hr/>
	\$1,054 00
Less one half, which Assembly should pay .....	\$527 00
Attorney's fees .....	\$500 00
Less one half .....	250 00
	<hr/>
Total .....	\$777 00

Beg leave to report, and recommend that it do pass.

MADDOX, Chairman.

On motion of Mr. McClure, the original resolution was adopted.

## THIRD READING—(RESUMED).

Senate Bill No. 358—An Act to appropriate money for the support of aged persons in indigent circumstances.

Read third time, and, after debate, the bill was refused passage by the following vote:

AYES—Messrs. Brooks, Chandler, Del Valle, Dougherty, English, Harrigan, Johnson, Keating, Kelly of San Francisco, McCarthy, McClure, Perry, Reddy, Routier, Ryan, Sullivan, Vrooman, Wallis, and Whitney—19.

NAYS—Messrs. Cross, Fileher, Fraser, Kelley of Solano, Kellogg, Knight, Lynch, Maddox, Murphy, Reynolds, Spencer of Stanislaus, and Taylor—12.

Mr. Cross gave notice that, on the following day, he would move to reconsider the vote by which Senate Bill No. 358 was refused passage.

Mr. Cross moved that the rules be suspended, and that the Senate proceed to consider Assembly messages.

Carried.



## ASSEMBLY MESSAGES—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, ———, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the fifth day of March, passed the following: Assembly Concurrent Resolution No. 41—Relative to the building of reservoirs and the protection of the forests of the State to aid irrigation.

Also, Assembly Bill No. 165—An Act to prevent the spreading of contagious diseases among domestic animals.

Also, Assembly Bill No. 337—An Act to pay the claim of Hiram Clock.

M. C. HALEY, Chief Clerk.

Assembly Concurrent Resolution No. 41, and Assembly Bills Nos. 165 and 337—Placed on file.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, have had under consideration Assembly Bill No. 130—An Act to divide the State into Senatorial Districts, and to provide for the election of Senators therein—as amended by the Senate, and report that the Assembly still refuses to recede from its action, and refuses to concur in said amendment, and hereby appoint, on the part of the Assembly, as a Committee of Free Conference, the following named Assemblymen, viz.: Messrs. Campbell, Yell, and Booth, to meet and confer with a similar committee to be appointed on the part of the Senate, and to report the action of said Committee of Free Conference to their respective bodies.

Also, have had under consideration Assembly Bill No. 128—An Act to divide the State into Assembly Districts, and to provide for the election of Assemblymen therein—as amended by the Senate, and now report that the Assembly refuses to concur in said amendments, and now ask the Senate to recede from its action on said amendments.

M. C. HALEY, Chief Clerk.

Mr. Cross moved that the Chairman appoint a committee of three, to confer with a like number appointed by the Assembly, regarding the action of the Assembly in refusing to concur in the amendments of the Senate to Assembly Bill No. 130.

Carried.

The President appointed as such committee Messrs. Cross, Johnson, and Vrooman.

Mr. Cross moved that the consideration of Assembly Bill No. 128 be temporarily passed.

Lost.

Mr. Kellogg moved that the Senate recede from its amendments to Assembly Bill No. 128.

Roll called, and the motion to recede carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Chandler, Cox, Cronan, Del Valle, Filcher, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Lynch, Maddox, Murphy, Nelson, Reynolds, Ryan, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—22.

NOES—Messrs. Cross, Dougherty, Fraser, Harrigan, Keating, McCarthy, McClure, Perry, Routier, Vrooman, Wallis, and Whitney—12.

## REPORT OF COMMITTEE—(OUT OF ORDER).

ON HOSPITALS.

SENATE CHAMBER, SACRAMENTO, March 5, 1883.

MR. PRESIDENT: Your Committee on Hospitals have had under consideration Assembly Bill No. 127—Relative to the prevention of contagious and infectious diseases—and report the same back, and recommend its passage.

Also, Assembly Bill No. 327—Relative to the repeal of an Act entitled "An Act to regulate the practice of pharmacy"—and report the same back, and recommend its passage.

BENJAMIN KNIGHT, Jr., Chairman.

JOHN WOLFSKILL.

J. D. SPENCER.

B. F. LANGFORD.

GEO. E. WHITNEY.

Assembly Bills Nos. 127 and 327—Placed on file.

Mr. Johnson moved to suspend the rules, for the further consideration of Assembly Bill No. 462.

Lost.

#### SPECIAL ORDER.

Assembly Bill No. 509—An Act to provide for the organization, incorporation, and government of municipal corporations. [Identical with Senate Bill No. 90.] (Introduced on behalf of Joint Committee on Municipal Corporations, and in lieu of Assembly Bills Nos. 92, 238, 248, and 455.)

Pending the third reading of this bill, Mr. Murphy moved to suspend the rules, and take up Assembly messages.

Carried.

#### MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, have had under consideration Assembly Bill No. 77—An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years, as amended by the Senate—and report that said amendments have all been concurred in except the item increasing the appropriation for the State Prison at San Quentin, and the item increasing the appropriation for aid of Agricultural Society No. Eleven, from each of which amendments the Assembly dissent, and now ask the Senate to recede from its action in increasing said appropriations.

M. C. HALEY, Chief Clerk.

Mr. Murphy moved that the Senate adhere to its amendment, increasing the appropriation for the State Prison at San Quentin.

Carried.

Mr. Kellogg moved that the Senate adhere to its amendment, increasing the appropriation for aid of Agricultural Society No. Eleven.

Carried.

Mr. Murphy moved that the President appoint a committee of three as a Committee of Conference, to meet and confer with a similar committee to be appointed on the part of the Assembly, concerning the General Appropriation Bill.

Carried.

The President appointed on such committee, Senators Murphy, English, and Kellogg.

Mr. Del Valle gave notice that, on the following day, he should move for a reconsideration of the vote whereby the Senate receded from its amendments to Assembly Bill No. 128.

Assembly Bill No. 509—Second reading resumed.

Pending the reading of this bill, the following notice was received from the Assembly:

ASSEMBLY CHAMBER, SACRAMENTO, March 6, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, appointed the following named members: Messrs. Coleman, Campbell, and Murdock, on the part of the Assembly as a Free Conference Committee, for the purpose of considering Senate amendments to Assembly Bill No. 77, with instructions to report the result of such conference to their respective bodies.

M. C. HALEY, Chief Clerk.

By G. W. HERBERT, Assistant Clerk.

#### REPORT OF COMMITTEE ON ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 6, 1883.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred Senate Bill No. 372, have examined the same, and find it correctly engrossed.

NELSON, Chairman.

## ADJOURNMENT.

At five o'clock and twenty minutes P. M., on motion of Mr. Reddy, the Senate adjourned.

## IN SENATE.

SENATE CHAMBER.

Wednesday, March 7, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names :

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Pending the reading of the Journal, Mr. Kellogg moved to dispense with the reading of the same.

Ayes and noes demanded on this motion.

Roll called, with the following result :

Ayes—Messrs. English, Filcher, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Murphy, Reddy, Reynolds, Spencer of Stanislaus, Vrooman, and Wallis—14.

Noes—Messrs. Brooks, Buck, Chandler, Cox, Cronan, Del Valle, Lynch, Maddox, McClure, Nelson, Perry, Routier, Ryan, and Taylor—14.

Whereupon the President announced that it became his constitutional duty to cast the deciding vote, and he requested the Secretary to record his vote "aye."

So ordered.

## RESOLUTIONS—(OUT OF ORDER).

By Mr. Reddy :

*Resolved*, That the per diem of the Postmistress be increased from three to five dollars, the same to date from the eighth day of January, eighteen hundred and eighty-three, and to be drawn from the Contingent Fund of the Senate.

After discussion, the resolution was withdrawn by the author.

By Mr. Kellogg :

*Resolved*, That the rules of the Senate be suspended for the day, and that the following order of business be adopted, viz.:

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees (including Committee of Conference).
4. Messages from the Governor.
5. Messages from the Assembly.
6. Reading of Bills—Third Reading, Special File.
7. Reading of Bills—Second Reading, Special File.
8. Reading of Bills—First Reading, Special File.

9. Unfinished Business (conclusion of reading of Municipal Government Bill).
10. County Government Bill.
11. Special Order on Governor's Appointments.
12. Reading Bills on Third Reading File.
13. Taking up Bills out of order for one hour for one reading; *provided*, that if, when the title is announced, five or more Senators object to taking up the bill, it shall not be considered during said hour.
14. Reading Bills on Second Reading General File.
15. Reading of Bills on First Reading General File.
16. Motions, Notices, and Resolutions.

It shall require a two-thirds vote of the Senators voting to change this rule for the day.

Adopted.

#### REPORTS OF COMMITTEES.

##### SPECIAL COMMITTEE OF CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 7, 1883.

MR. PRESIDENT: Your Committee of Conference, appointed to confer with a like committee from the Assembly upon the Appropriation Bill, submit the following report: The Joint Committee unanimously agree to concur in the amendment to the bill appropriating two thousand four hundred dollars to the Eleventh District Agricultural Society.

The said Joint Committee is unable to agree upon the amendment of the Senate, increasing the appropriation for the support of the State Prison at San Quentin, and ask that they be discharged from further service, and that a Free Conference Committee be appointed to confer with a like committee from the Assembly upon said appropriation.

B. D. MURPHY.  
W. W. KELLOGG.  
WARREN B. ENGLISH.

Report accepted.

Mr. Murphy moved that a Committee of Free Conference be appointed, to confer with a like committee from the Assembly, upon said appropriation.

Carried.

The President appointed as such committee Senators Murphy, English, and Cox.

Committee of Free Conference excused.

Mr. Taylor moved that the Senate adopt the report of Committee on State Prisons, previously submitted to the Senate.

Mr. Whitney offered a substitute for the motion.

Ruled out of order.

Pending the discussion on this motion, the minority of the Committee on State Prisons and Prison Buildings submitted the following

#### MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, March 7, 1883.

MR. PRESIDENT: We, the undersigned, members of your Committee on State Prisons, dissent entirely from the report filed by the above named committee, relative to prison matters.

GEORGE H. PERRY.  
J. ROUTIER.

After debate, Mr. McClure offered the following substitute for the motion of Mr. Taylor:

*Resolved*, That the evidence upon which the majority report of the Committee on State Prisons and Prison Buildings was founded, and a copy of the report, be transmitted to his Excellency George Stoneman, Governor of California, and request his action thereon.

Pending debate on the substitute, the hour arrived, and the President declared a recess.

## REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Chandler, Cox, Cronan, Cross, Del Valle, English, Fileher, Foster, Fraser, Johnson, Kelly of San Francisco, Knight, Langford, Lynch, McCarthy, McClure, Murphy, Reddy, Reynolds, Routier, Ryan, Speneer of Stanislaus, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Debate on the adoption of the report of the Committee on State Prisons resumed.

After debate, the ayes and noes were demanded on the substitute by Senators McClure, Vrooman, and Chandler.

Roll called, and the substitute lost by the following vote:

AYES—Messrs. Chandler, Cross, Del Valle, Fraser, Kellogg, Maddox, McCarthy, McClure, Murphy, Perry, Routier, Ryan, Vrooman, Wallis, and Whitney—15.

NOES—Messrs. Brooks, Buck, Cox, Cronan, Dougherty, English, Fileher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Knight, Langford, Lynch, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—23.

Mr. Kellogg moved to amend, by excepting the following paragraph from adoption:

We find that the Directors named have been grossly negligent in the performance of the duties assigned to them; that they have violated nearly every section of the law made for their government and guidance, and several provisions of the Constitution of the State, and that their whole course is reprehensible and deserving of condemnation.

After debate, the ayes and noes were demanded on this amendment by Senators Reddy, Filcher, and Fraser.

Roll called, and the amendment lost by the following vote:

AYES—Messrs. Chandler, Cross, Del Valle, Fraser, Kellogg, Maddox, McCarthy, McClure, Murphy, Perry, Routier, Ryan, Vrooman, Wallis, and Whitney—15.

NOES—Messrs. Brooks, Buck, Cox, Cronan, Dougherty, English, Fileher, Foster, Harrigan, Keating, Kelly of San Francisco, Kelley of Solano, Knight, Langford, Lynch, Nelson, Reddy, Reynolds, Speneer of Napa, Speneer of Stanislaus, Sullivan, Taylor, and Wolfskill—23.

Mr. Chandler moved to amend the report of the committee, by striking out in the last page of the report the following words: "and that their whole course is reprehensible and deserving of condemnation."

Amendment accepted by unanimous consent of the Senate.

So ordered.

After further debate, the ayes and noes were demanded on the adoption of the report as amended, by Senators Perry, Maddox, and Filcher.

Roll called, and the report adopted by the following vote:

AYES—Messrs. Brooks, Buck, Cronan, Dougherty, English, Fileher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Knight, Langford, Lynch, Nelson, Reddy, Reynolds, Spencer of Napa, Speneer of Stanislaus, Sullivan, Taylor, and Wolfskill—23.

NOES—Messrs. Chandler, Cross, Del Valle, Fraser, Kellogg, Maddox, McClure, Perry, Routier, Ryan, Vrooman, Wallis, and Whitney—13.

## PROTEST.

The undersigned hereby solemnly protest against the indorsement by this Senate of the con-



clusions of the majority of the Committee on State Prisons and Prison Buildings concerning the management of the State Prison at San Quentin, Senators having been denied the privilege of personal examination of the testimony upon which were based such conclusions, by the refusal of the majority to allow said testimony to be printed and placed upon the desks of the Senators.

DAVID McCURE.  
GEO. E. WHITNEY.  
HENRY VROOMAN.  
THOS. FRASER.  
A. L. CHANDLER.  
GEO. H. PERRY.  
H. W. WALLIS.  
J. ROUTIER.  
W. W. KELLOGG.

## REPORT OF COMMITTEE.

OF FREE CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 7, 1883.

MR. PRESIDENT: Your Committee of Free Conference on the subject-matter of difference between the Senate and Assembly, to wit: The Assembly's non-concurrence in the Senate's amendment to Assembly Bill No. 77—Entitled "An Act making appropriations for the support of the government of the State of California for the thirty-fifth and thirty-sixth fiscal years"—as follows: Striking out the word "sixty," before the word "thousand," in the two hundred and thirtieth line of section one of said Act (an item for the support of the State Prison at San Quentin), and inserting in lieu thereof the words "one hundred and fifty"—have had the same under consideration, and respectfully report that we agreed to recommend the Senate to recede from its amendment, and adopt in lieu thereof the words "one hundred and twenty," before the word "thousand" in said line of said section, and the committee on the part of the Assembly agreed to recommend similar action on its part.

All of which is respectfully submitted.

Senate Committee ----	{ B. D. MURPHY. WARREN B. ENGLISH. FRED. COX.
Assembly Committee --	{ JAS. J. FLYNN. JAS. V. COLEMAN. CHAS. A. MURDOCK.

## MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, have had under consideration Assembly Bill No. 77, and now report that they have adopted the report of the Joint Free Committee of Conference, relative to fixing the amount to be appropriated for the support of the State Prison at San Quentin, and the amount so appropriated is hereby amended, by striking out the word "sixty," in line two hundred and thirty, section one of the original printed bill, and inserting in lieu thereof, in same line and section, the words "one hundred and twenty" before the word "thousand."

M. C. HALEY, Chief Clerk.

On the question of the adoption of the report of the Committee of Free Conference, the roll was called, and the report adopted by the following vote:

AYAS—Messrs. Brooks, Buck, Cronan, Cross, Del Valle, Dougherty, English, Fileher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, Murphy, Nelson, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill—33.

NOES—Messrs. McClure and Wallis—2.

So ordered.

## REPORT OF COMMITTEES.

ON ENGROSSED BILLS.

SENATE CHAMBER, SACRAMENTO, March 7, 1883.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred Senate Bills Nos. 235 and 232, have examined the same, and find them properly engrossed.

NELSON, Chairman.

## ON ENROLLED BILLS.

SENATE CHAMBER, SACRAMENTO, March 7, 1883.

Ma. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and find correctly enrolled Senate Bills Nos. 112, 131, 228, and 247, and that the same have been placed in the hands of the Governor.

HARRIGAN, Chairman.

## ON CONTINGENT EXPENSES AND MILEAGE.

SENATE CHAMBER, SACRAMENTO, March 7, 1883.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz.:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant for the sum of two hundred and eighty-nine and nine one hundredths dollars, payable out of the Contingent Fund of the Senate, in favor of Honorable P. Reddy, Chairman of the State Prison Committee of the Senate, the same being the amount due from the Senate for the payment of the mileage of witnesses and the services of an "expert," a shorthand reporter, and a Sergeant-at-Arms, called before the committee in the matter of the investigation of the State Prison at San Quentin—have had the same under consideration, and recommend that it do pass.

Adopted.

Also, the following:

*Resolved*, That J. G. Davis be and is hereby allowed the sum of forty-one dollars and sixty-five cents (\$41 65), for moving shelves, castors put on, making eighty-one pigeon holes, covering one table, lock and key, castors for chairs, thirty pigeon holes and platform, repairing two revolving chairs, during the session—have had the above under consideration, and recommend that it do pass.

Adopted.

Also, the following:

*Resolved*, That Senator W. B. English be hereby allowed the sum of eighteen dollars and twenty cents out of the Contingent Fund of the Senate for mileage to and from Berkeley, Alameda County, while in the performance of his duty as a member of the Committee on Finance.

Have had the above under consideration, and recommend that it do pass.

Adopted.

Also, the following:

*Resolved*, That Joseph Van Praag be and he is hereby allowed the sum of sixty dollars for extra work as porter of the committee rooms for the present session, said amount to be paid out of the Contingent Fund of the Senate—have had the same under consideration, and recommend that it do not pass.

Ayes and noes demanded on the adoption of this resolution, by Senators Maddox, Filcher, and Wallis.

Roll called, and the resolution adopted by the following vote:

AYES—Messrs. Brooks, Chandler, Cronan, Del Vallo, Dougherty, English, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Maddox, McCarthy, McClure, Nelson, Perry, Routier, Ryan, Spencer of Napa, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—29.

NOES—Messrs. Cross, Filcher, Fraser, Lynch, Murphy, Reynolds, and Sponcer of Stanislaus—7.

Also, the following:

*Resolved*, That William B. Miller be and is hereby allowed the sum of thirty dollars for cleaning clocks and keeping them in repair during the session—have had the same under consideration, and recommend that the amount be changed from thirty dollars to twenty dollars.

Original resolution adopted.

Also, the following:

*Resolved*, That Scott & Muir be and are hereby allowed the sum of fifty-seven dollars and

forty cents (\$57 40) for fifty-six opal globes, fifty-six fancy holders, fifty-six burners, one day's labor for two men—have had the above under consideration, and recommend that it do pass.

Adopted.

Also, the following:

*Resolved*, That C. H. Rave be and is hereby allowed the sum of twenty-four dollars and seventy-five cents (\$24 75), making and repairing locks and keys of Senate during the session—have had the above under consideration, and recommend that it do pass.

MADDOX, Chairman.

Adopted.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Reynolds (by request):

*Resolved*, That the Capital Ice and Coal Company be and is hereby allowed the sum of twenty-eight dollars and eighty cents, for ice furnished the Senate Chamber during the twenty-fifth session.

Also:

*Resolved*, That A. Polymath be and is hereby allowed the sum of ten dollars, for cleaning and repairing one large clock of the Senate.

Also:

*Resolved*, That Mrs. Mains be and is hereby allowed the sum of thirty dollars for washing towels during session.

Referred to Committee on Contingent Expenses and Mileage.

#### REPORTS OF COMMITTEES—(CONTINUED).

##### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 7, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration Senate Bills Nos. 147, 227, 272, 282, 296, 300, 307, 320, 328, 336, 339, 343, 346, 350, 353, 354, 359, 357, 374, 375, 382, 383, 384, 387; also, Assembly Bills Nos. 150, 159, 162, 176; Assembly Concurrent Resolution No. 49, and Senate Concurrent Resolution No. 20—and report the same back without recommendation. All petitions and documents referred to said committee are herewith returned to the Senate.

CROSS, Chairman.

##### ON CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 7, 1883.

MR. PRESIDENT: Your Committee of Free Conference, appointed to confer with a committee of the Assembly, concerning Assembly Bill No. 130, report that the Joint Committee of the Assembly and Senate have unanimously agreed upon the adoption of the Senate amendment to said bill, designated as section forty-five.

CROSS, Chairman.

At five o'clock and thirty-five minutes P. M., Mr. Filcher moved to take a recess until seven o'clock and thirty minutes P. M.

Ayes and nocs demanded on the motion.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Cronan, Filcher, Fraser, Harrigan, Johnson, Kellogg, Knight, Langford, Lynch, Murphy, Nelson, Reynolds, Spencer of Napa, Spencer of Stanislaus, Taylor, Whitney, and Wolfskill—17.

NOES—Messrs. Brooks, Cross, Del Valle, Dougherty, English, Keating, Kelly of San Francisco, Kelley of Solano, McCarthy, McClure, Perry, Routier, Ryan, Vrooman, and Wallis—15.

So ordered.

## REASSEMBLED.

At seven o'clock and thirty minutes P. M. the Senate reassembled.  
 Hon. R. F. Del Valle, President pro tem., in the chair.  
 Roll called, and the following Senators answered to their names:

Messrs. Brooks, Chandler, Cronan, Del Valle, Dougherty, English, Filcher, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, and Whitney.

Quorum present.

Mr. Whitney moved that the messages from the Governor be considered read.

Carried.

Mr. Taylor moved that the consideration of the Governor's appointments be made the special order for to-morrow, at two o'clock and thirty minutes P. M.

Carried.

Mr. Reddy moved that Mr. Del Valle's notice, to reconsider the vote whereby the Senate receded from its amendments to Assembly Bill No. 128, be postponed until to-morrow.

So ordered.

Also, that the notice of Mr. Cross, to reconsider the vote whereby Senate Bill No. 358 was refused passage, be also postponed until to-morrow.

So ordered.

## REPORT OF COMMITTEE—(OUT OF ORDER).

Report of Committee on Public Buildings and Grounds, in relation to the Napa State Asylum for the Insane, Deaf and Dumb and Blind Asylum, State Normal School, State University at Berkeley, State Asylum for the Insane at Stockton, and Branch State Normal School at Los Angeles.

Mr. Fraser moved that the reading of the report be dispensed with, and the usual number of copies be printed.

So ordered.

## ASSEMBLY MESSAGES.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bill: Assembly Bill No. 530—An Act to add a new section to the Political Code, to be known as section two thousand nine hundred and sixty-nine, relating to the auditing of the accounts of the Immigration Commissioner, and for the purpose of the prevention of frauds in the same.

M. C. HALEY, Chief Clerk.

Assembly Bill No. 530—Placed on file.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 288—An Act authorizing and directing the Regents of the University of California to convey certain lands.

M. C. HALEY, Chief Clerk.

By G. W. HERRERT, Assistant Clerk.

Senate Bill No. 288—Referred to Committee on Enrolled Bills.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the sixth day of March, eighteen hundred and eighty-three, passed the following:

Senate Bill No. 121—An Act to repeal an Act entitled "An Act to provide an additional Judge of the Superior Court for the County of Mono," approved April 16, 1880.

Also, Senate Bill No. 211—An Act fixing jurisdiction and providing compensation for Justices of the Peace in cities and towns.

Also, Senate Concurrent Resolution No. 15—Relative to requesting our Representatives and instructing our Senators in Congress to use their best efforts toward securing the promotion of Lieutenant W. I. Reed, U. S. A.

Also, Assembly Bill No. 293—An Act to amend "An Act to regulate the use of artesian wells, and to prevent the waste of subterranean water in the State."

Also, Senate Bill No. 285—An Act to amend sections three thousand six hundred and sixty-four, three thousand six hundred and sixty-five, and three thousand seven hundred and thirty-four, and to add six new sections, to be numbered three thousand six hundred and sixty-six, three thousand six hundred and sixty-seven, three thousand six hundred and sixty-eight, three thousand six hundred and sixty-nine, three thousand six hundred and seventy, and three thousand seven hundred and seventy-one, to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to repeal a portion of section three thousand six hundred and fifty, all relating to revenue, and particularly to the assessment of railways by the State Board of Equalization, and the collection of State and county and city and county taxes due upon such assessment.

Also, Senate Concurrent Resolution No. 21—Relative to requesting the Secretary of the Interior to quiet the disputed title to the lands included in the El Sobrante grant in Contra Costa County.

M. C. HALEY, Chief Clerk.

Senate Bill No. 121, Senate Bill No. 211, Senate Concurrent Resolution No. 15, Senate Bill No. 285, and Senate Concurrent Resolution No. 21—Referred to Committee on Enrolled Bills.

Assembly Bill No. 293—Placed on file.

Mr. Johnson moved that rules six, seven, and eight for the day be passed, and that the Senate proceed to take up rule nine, and conclude the reading of Municipal Government Bill.

Mr. Ryan moved to amend, by taking up third reading, general file.

Mr. Murphy moved to amend, by taking up rule thirteen of the rules for the day.

Ayes and noes demanded by Senators Wolfskill, Knight, and Johnson, on the amendment offered by Mr. Murphy.

Roll called, and the amendment lost by the following vote:

AYES—Messrs. Cronan, English, Murphy, Vrooman, and Whitney—5.

NOES—Messrs. Baldwin, Brooks, Chandler, Cox, Del Valle, Fileher, Fraser, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, McCarthy, McClure, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, Wallis, and Wolfskill—26.

Mr. Ryan withdrew his amendment.

The vote recurring on the resolution, it was adopted.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Ryan:

*Resolved*, That the Legislature of the twenty-fifth session adjourn sine die on Saturday, March tenth, eighteen hundred and eighty-three, at twelve o'clock P. M.

Mr. Spencer moved to lay the resolution on the table.

Carried.

Mr. Kellogg offered the following:

*Resolved by the Senate, the Assembly concurring*, That the twenty-fifth session of the Legislature of the State of California adjourn sine die on Saturday, the tenth day of March, eighteen hundred and eighty-three, at two o'clock and thirty minutes P. M.

Mr. English moved to lay on the table.



Ayes and noes demanded by Senators Cronan, Ryan, and Kellogg. Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Chandler, English, Fileher, Fraser, Johnson, Knight, Langford, McCarthy, Reddy, Spenceer of Napa, Spenceer of Stanislaus, Taylor, Wallis, Whitney, and Wolfskill—16.

NOES—Messrs. Brooks, Cox, Cronan, Del Valle, Kellogg, Lynch, McClure, Murphy, Perry, Reynolds, Routier, Ryan, and Vrooman—13.

Mr. Taylor moved to suspend the rules, and take up Assembly Bill No. 508 and read same second time.

Assembly Bill No. 508—An Act to amend section one thousand six hundred and sixty-three of the Political Code, in relation to public schools, and requiring Boards of Education in the several counties to organize primary and grammar schools, and prescribe a course of study therefor.

Read second time, and passed to third reading.

Mr. Taylor moved to suspend the provisions of section fifteen of article four of the Constitution, requiring bills to be read on three several days, that Assembly Bill No. 508 be declared a case of urgency, and placed on its passage.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Chandler, Cox, Cronan, Del Valle, Dougherty, English, Fileher, Fraser, Johnson, Keating, Kelly of San Francisco, Kellogg, Lynch, McCarthy, McClure, Murphy, Reddy, Reynolds, Routier, Ryan, Spenceer of Napa, Spencer of Stanislaus, Taylor, Vrooman, Wallis, and Whitney—28.

NOES—Mr. Langford—1.

Assembly Bill No. 508—Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Chandler, Cox, Cronan, Del Valle, Dougherty, English, Fileher, Fraser, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, McCarthy, McClure, Murphy, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, Vrooman, Wallis, and Whitney—30.

NOES—None.

Title read and approved.

Mr. Whitney asked that the notice of Mr. Cross, to reconsider the vote whereby Senate Bill No. 295 was refused passage, be postponed until to-morrow.

So ordered.

Mr. Murphy moved to take up Senate Bill No. 212 out of order.

Lost.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Kellogg:

*Resolved*, That the Secretary of the Senate be and he is hereby instructed, that in making up the reading files for Thursday next, he shall place the Assembly bills reported to this Senate first, upon the first, second, and third reading files in their regular order as reported, and now upon the files, and shall place such Assembly bills as the rules require to be so placed upon the special file, in their regular order.

Mr. Murphy moved to lay on the table.

Ayes and noes demanded by Senators McClure, Kellogg, and Brooks.

Roll called, and the resolution laid on the table, by the following vote:

AYES—Messrs. Baldwin, Cox, Fileher, Fraser, Harrigan, Johnson, Kelly of San Francisco,

Knight, Langford, Lynch, Murphy, Reddy, Reynolds, Spencer of Stanislaus, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—19.

NOES—Messrs. Brooks, Chandler, Cronan, Del Valle, English, Keating, Kellogg, McCarthy, McClure, Perry, Routier, and Spencer of Napa—11.

Mr. Murphy moved to reconsider the vote whereby Senate Bill No. 348 was passed.

Mr. Ryan moved to indefinitely postpone the motion to reconsider.

Carried.

#### LEAVE OF ABSENCE.

Senators Kelley of Solano, Chandler, Buck, Vrooman, and Ryan were granted leave of absence for this evening.

Third reading of Assembly Bill No. 509 resumed.

#### CALL OF THE SENATE.

Mr. Perry moved a call of the Senate.

Lost.

Assembly Bill No. 509 read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Cox, Del Valle, Dougherty, English, Filcher, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Langford, Lynch, McCarthy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Taylor, Wallis, and Wolfskill—22.

NOES—Messrs. Cronan, Murphy, Perry, Routier, and Sullivan—5.

Title read and approved.

#### CONSIDERATION OF BILLS—(OUT OF ORDER).

Mr. Murphy moved to take up Senate Bill No. 212 out of order.

Senate Bill No. 212—An Act for the relief of John W. Metcalf and George McLellan.

Read second time, and ordered engrossed.

Mr. Murphy moved to suspend the provisions of section fifteen of article four of the Constitution, requiring bills to be read on three several days, that Senate Bill No. 212 be declared a case of urgency, and placed on its passage.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Brooks, Cox, Crouan, Del Valle, Dougherty, English, Filcher, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Langford, McCarthy, Murphy, Routier, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wallis—22.

NOES—Messrs. Lynch, Perry, Reynolds, and Wolfskill—4.

Mr. Kellogg moved to adjourn.

Ayes and noes demanded by Senators Kellogg, Lynch, and McCarthy.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Brooks, Fraser, Keating, Kellogg, McCarthy, Murphy, Perry, Routier, Spencer of Stanislaus, Sullivan, and Wallis—11.

NOES—Messrs. Baldwin, Cox, Crouan, Del Valle, Dougherty, English, Filcher, Harrigan, Johnson, Kelly of San Francisco, Langford, Lynch, Reynolds, Spencer of Napa, and Wolfskill—15.

Mr. Kellogg moved a call of the Senate.

Ayes and noes demanded by Senators Kellogg, Routier, and Perry.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Brooks, Fraser, Harrigan, Keating, Kellogg, McCarthy, Perry, Reynolds, Taylor, and Wallis—10.

NOES—Messrs. Baldwin, Cox, Cronan, Del Valle, Dougherty, English, Filcher, Kelly of San Francisco, Langford, Lynch, McClure, Murphy, Routier, Spencer of Napa, Spencer of Stanislaus, Sullivan, Vrooman, and Wolfskill—18.

Mr. Lynch moved to take up Senate Bill No. 331 out of order.

Five Senators objecting, the motion, under the rules, was lost.

#### ADJOURNMENT.

At ten o'clock and forty-five minutes P. M., Mr. McClure moved to adjourn.

Ayes and noes demanded by Senators Kellogg, McClure, and Vrooman.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Brooks, Del Valle, Filcher, Fraser, Harrigan, Keating, Kellogg, McCarthy, McClure, Murphy, Perry, Reynolds, Routier, Spencer of Napa, Sullivan, Vrooman, and Wallis—17.

NOES—Messrs. Baldwin, Cox, Cronan, Dougherty, Kelly of San Francisco, Langford, Lynch, Spencer of Stanislaus, Taylor, and Wolfskill—10.

So ordered.

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#### IN SENATE.

SENATE CHAMBER,  
Thursday, March 8, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Journal partially read, and, on motion of Mr. Fraser, further reading was dispensed with.

Journal approved.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Langford:

*Resolved*, That the order of business be suspended, and that we proceed to consider bills upon the third reading special file, and bills upon the third reading general file, and next the County Government Bill.

Ayes and noes demanded on the adoption of this resolution.

Roll called, and the resolution lost by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Cronan, Cross, English, Foster, Fraser, Harrigan,

Johnson, Kellogg, McCarthy, McClure, Murphy, Nelson, Reddy, Ryan, Vrooman, Wallis, Whitney, and Wolfskill—21.

NOES—Messrs. Chandler, Cox, Dougherty, Filcher, Kelly of San Francisco, Knight, Lynch, Perry, Reynolds, Routier, Spencer of Napa, Spencer of Stanislaus, and Taylor—13.

So ordered.

By Mr. Cross :

*Resolved*, That Theodore Lynell, clerk, and Sumner Dibble, additional clerk of the Judiciary Committee, are hereby discharged from further service, the pay of said Lynell to cease March fifth, and of said Dibble March sixth.

Adopted.

By Mr. Routier :

WHEREAS, Mrs. Mary A. Bryant was, on the seventeenth day of January, eighteen hundred and eighty-three, appointed clerk of the Library Committee, and has up to date not been discharged by this Senate; and whereas, she has only received pay for eleven days; therefore

*Resolved*, That Mrs. Bryant be and is hereby allowed her per diem from the twenty-ninth day of January, eighteen hundred and eighty-three, to date, inclusive, and the Controller of State is hereby authorized to draw his warrant for the same, payable out of the Contingent Fund of the Senate.

Upon the question of the reference of this resolution to the Committee on Contingent Expenses and Mileage, the ayes and noes were demanded.

Roll called, with the following result:

AYES—Messrs. Baldwin, Buck, Cross, Filcher, Foster, Fraser, Johnson, Kelly of San Francisco, Lynch, Maddox, Murphy, Nelson, Whitney, and Wolfskill—14.

NOES—Messrs. Chandler, Cronan, Dougherty, English, Harrigan, Keating, Kellogg, McCarthy, McClure, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Stanislaus, Taylor, and Wallis—17.

So ordered.

Upon the question of the adoption of the resolution, the ayes and noes were demanded by Senators Filcher, Murphy, and Maddox.

Roll called, and the resolution adopted by the following vote:

AYES—Messrs. Brooks, Chandler, Cronan, Dougherty, Harrigan, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, McCarthy, McClure, Nelson, Perry, Reddy, Routier, Ryan, Vrooman, and Wallis—18.

NOES—Messrs. Baldwin, Buck, Cross, English, Filcher, Foster, Fraser, Johnson, Langford, Lynch, Maddox, Murphy, Reynolds, Spencer of Stanislaus, Whitney, and Wolfskill—16.

Mr. Fraser moved to take up Assembly Bill No. 448.

Carried.

Assembly Bill No. 448—An Act to establish a uniform system of county governments. (Introduced on behalf of the Committee on County and Township Governments.)

Second reading.

Mr. Vrooman moved to strike out section six of the bill.

Carried.

On motion of Mr. Taylor, section thirteen was amended, by striking out the words "three fifths" in line two, and inserting in lieu thereof the words "a majority;" also, by striking out in line four, the words "to same designated place," and in line six, the words "to such place."

Amendments of the committee to section twenty-six adopted.

Mr. Routier moved to amend subdivision twenty-nine of section twenty-six, line one hundred and eighty-five, by striking out after the words "to provide," the words "for the protection of game, fish, and shell fish, and."



Ayes and noes demanded on this motion by Senators Perry, Brooks, and Routier.

Roll called, and the amendment adopted by the following vote:

AYES—Messrs. Brooks, Chandler, Cox, Cronan, Dougherty, English, Filcher, Fraser, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Routier, Sullivan, Taylor, Vrooman, and Whitney—23.

NOES—Messrs. Buck, Cross, Del Valle, Johnson, Knight, Reynolds, Spencer of Napa, Wallis, and Wolfskill—9.

So ordered.

Senator Murphy in the chair.

Mr. Vrooman moved to amend section twenty-six, by striking out subdivision fourteen, and inserting in lieu thereof the following:

(a) The Board of Supervisors of any county having an outstanding indebtedness on the first day of January, eighteen hundred and eighty, evidenced by bonds or warrants thereof, by a vote of two thirds of all the members thereof, are empowered, if they deem it for the public interest, to fund and re-fund the same, and issue bonds of the county therefor, in sums not less than one hundred dollars nor more than one thousand dollars each, having not more than twenty years to run, and bearing a rate of interest not exceeding seven per cent per annum, payable semi-annually; which bonds shall be substantially in the following form:

No—, The County of —, in the State of California, for value received, promises to pay —, or order, at the office of the Treasurer of said county, in —, on the first day of —, eighteen hundred and —, or at any time before that date, at the pleasure of the county, the sum of — dollars, gold coin of the United States, with interest at the rate of — per cent per annum, payable at the office of said Treasurer, semi-annually, on the first day of — and — in each year, on presentation and surrender of the interest coupons hereto attached. This bond is issued by the Board of Supervisors in conformity with a resolution of said Board, dated the — day of —, eighteen hundred and —, and under the authority conferred upon said Board by the provisions of an Act of the Legislature of California, entitled "An Act to establish a uniform system of county governments," approved (insert date of the approval of this Act).

In testimony whereof, the said county, by its Board of Supervisors, has caused this bond to be signed by the Chairman of the Board, and attested by the Auditor, with the county seal attached, this — day of —, eighteen hundred and —.

—, Chairman of the Board of Supervisors.

Attest: —, Auditor.

And the interest coupon shall be in the following form:

The Treasurer of — County, California, will pay to the holder hereof, on the — day of —, eighteen hundred and —, at his office in —, — dollars, gold coin, for interest on County Bond No. —.

—, County Auditor.

(b) Whenever bonds issued under this chapter shall be duly executed, numbered consecutively, and sealed, they shall be delivered to the County Treasurer, and his receipt taken therefor, and he shall stand charged on his official bond with all bonds delivered to him and the proceeds thereof, and he shall sell the same, or exchange them under the direction of the Board of Supervisors, on the best available terms for any legal indebtedness of the county outstanding on the first day of January, eighteen hundred and eighty, but in neither case for a less sum than the face value of the bonds and all interest accrued on them at the date of such sale or exchange. And if any portion of such bonds are sold for money, the proceeds thereof shall be applied exclusively for the payment of liabilities existing against the county at and before the date above named.

When they are exchanged for bonds or warrants, or other legal evidences of county indebtedness, the Treasurer shall at once proceed to cancel the old bonds and such other evidence of indebtedness, by indorsing on the face thereof the amount for which they were received, the word "canceled," and the date of cancellation. He shall also keep a record of bonds sold or exchanged by him by number, date of sale, amount, date of maturity, the name and Post Office address of purchasers; and if exchanged, what evidence of indebtedness were received therefor; which record shall be open at all times for inspection by the public.

Whenever the holder of any bond shall sell or transfer it, the purchaser shall notify the Treasurer of such purchase, giving at the same time the number of the bond transferred and his Post Office address, and every transfer shall be noted on the record. The Treasurer shall also report, under oath, to the Board, at each regular session, a statement of all bonds sold or exchanged by him since the preceding report, and the date of such sale or exchange, and when exchanged, a list or description of the county indebtedness exchanged therefor, and the amount of accrued interest received by him on such sale or exchange, which latter sum shall be charged to him as money received by him on Bond Fund, and so entered by him on his books; but such bond shall not be sold or exchanged for any indebtedness of the county, except by the approval of the Board of Supervisors of said county. No sale shall be made of any such bond except to the highest bidder, after advertising bids for the purchase of the same for not less than three weeks



in at least one newspaper published in the county, the right being reserved in such advertisement to reject any or all such bids.

(c) The Board of Supervisors shall cause to be assessed and levied each year upon the taxable property of the county, in addition to the levy authorized for other purposes, a sufficient sum to pay the interest on outstanding bonds, issued in conformity with the provisions of this Act, accruing before the next annual levy, and such proportion of the principal that, at the end of five years, the sum raised from such levies shall equal at least twenty per cent of the amount of bonds issued; at the end of nine years at least forty per cent of the amount, and at and before the date of maturity of the bonds shall be equal to the whole amount of the principal and interest; and the money arising from such levies shall be known as the Bond Fund, and shall be used for the payment of bonds and interest coupons, and for no other purpose whatever; and the Treasurer shall open and keep in his books a separate and special account thereof, which shall, at all times, show the exact condition of said Bond Fund.

(d) Whenever the amount in the hands of the Treasurer, belonging to the Bond Fund, after setting aside the sum required to pay the interest maturing before the next levy, is sufficient to redeem one or more bonds, he shall notify, by mail, the owner of such bond or bonds that he is prepared to pay the same, with all interest accrued thereon; and that if not presented for payment or redemption within forty days after the date of such notice, the interest on such bond shall cease, and the amount due thereon shall be set aside for its payment whenever presented. The notice shall be directed to his Post Office address as shown by the record kept in the Treasurer's office. If said bonds are not so presented, interest shall cease, and the amount due be set aside as specified in said advertisement. All redemptions shall be made in the exact order of their issuance, beginning at the lowest or first number, and the notice herein required shall be directed to the Post Office address of the owner, as shown by the record kept in the Treasurer's office.

(e) If the Board of Supervisors of any county which has issued bonds under the provisions of this Act shall fail to make the levy necessary to pay such bonds, or interest coupons, at maturity, and the same shall have been presented to the County Treasurer, and the payment thereof refused, the owner may file the bond, together with all unpaid coupons, with the State Controller, taking his receipt therefor, and the same shall be registered in the State Controller's office; and the State Board of Equalization shall, at their next session, and at each annual equalization thereafter, add to the State tax to be levied in said county a sufficient rate to realize the amount of principal or interest past due and to become due prior to next levy, and the same shall be levied and collected as a part of the State tax, and paid into the State treasury, and passed to the special credit of such county as bond tax, and shall be paid by warrants, as the payments mature, to the holder of such registered obligations, as shown by the register in the office of the State Controller, until the same shall be fully satisfied and discharged, any balance then remaining being passed to the general account and credit of said county.

Carried.

Mr. McClure moved to amend section twenty-six, subdivision twenty-one, so as to read as follows: "To fill by appointment all vacancies that may occur in any office filled by the appointment of the Board of Supervisors, and elective county or township officers, excepting those of Judge of the Superior Court and Supervisor. The appointee to hold office for the unexpired term."

Pending debate on this amendment, the hour arrived, and the President declared a recess.

REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, English, Fileber, Fraser, Harrigan, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Perry, Reynolds, Rontier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

In accordance with previous notice, Mr. Whitney moved to reconsider the vote whereby Senate Bill No. 295 was refused passage.

Carried.

Senate Bill No. 295—An Act to secure a representation of the re-

sources and industries of California at the Amsterdam International Exhibition, and provide for the expenses thereof.

Passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Chandler, Cox, Cronan, Cross, Del Valle, Fraser, Harrigan, Keating, Lynch, McCarthy, McClure, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Sullivan, Vrooman, Wallis, and Whitney—24.

NOES—Messrs. Buck, Filcher, Kelly of San Francisco, Kellogg, Knight, Maddox, Murphy, Spencer of Stanislaus, and Taylor—9.

Title read and approved.

Mr. Cross moved to take up Assembly messages out of order.

Carried.

#### MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 55, relative to the appointment of a Joint Conference Committee to fix the time at which the twenty-fifth session of the Legislature shall adjourn sine die.

Also, passed Assembly Bill No. 129—An Act to divide the State of California into Congressional Districts.

M. C. HALEY, Chief Clerk.  
By G. W. HERBERT, Assistant Clerk.

Assembly Concurrent Resolution No. 55—Adopted.

The President appointed as such committee Senators Cross, Maddox, and Dougherty.

On motion of Mr. Del Valle, Assembly Bill No. 129 was placed on file, and made a special order for four o'clock and thirty minutes P. M. of this day.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, have had under consideration Senate Bill No. 181—An Act to amend sections six hundred and twenty-six, six hundred and thirty-one, six hundred and thirty-two, six hundred and thirty-four, and six hundred and thirty-six, and to repeal sections six hundred and twenty-seven, six hundred and twenty-eight, and six hundred and twenty-nine, of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the preservation of game and fish—and have amended the same as follows, by striking out the words "or marsh hen," in lines five and six of section one, printed bill; also, by striking out lines seventeen, eighteen, and that portion of line nineteen down to and including the word "misdemeanor," in same section; also, by striking out the word "all," in line twenty-five, down to and including the word "destroyed," in line thirty-seven of section five, and have passed the same as amended.

M. C. HALEY, Chief Clerk.

Mr. Chandler moved that the Senate concur in the amendments of the Assembly to Senate Bill No. 181.

Roll called, and the amendments concurred in by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Filcher, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—37.

NOES—None.

So ordered.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills:

Senate Bill No. 160—An Act making an appropriation of eleven thousand dollars for the protection and improvement of the buildings and grounds of the State University.

Also, Senate Bill No. 49—An Act to provide an industrial department for the Deaf, Dumb, and Blind Asylum.

M. C. HALEY, Chief Clerk.

Senate Bills Nos. 160 and 49—Referred to Committee on Enrolled Bills.

The following messages, received on the previous day, not having been reached, were now read :

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the report of the Joint Committee of Free Conference on Assembly Bill No. 77, and now concur in the Senate amendment to said bill, relative to districts, Agricultural District Society Number Eleven, and refuse concurrence in Senate amendment to said bill relative to the State Prison at San Quentin, and now appoint the following members on part of the Assembly: Messrs. Flynn, Coleman, and Murdock—to meet with a similar committee to be appointed by the Senate, and that said Committee of Conference report their action to their respective bodies immediately.

M. C. HALEY, Chief Clerk.

By G. W. HERBERT, Assistant Clerk.

ASSEMBLY CHAMBER, SACRAMENTO, March 7, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted the report of the Joint Committee of Free Conference on Assembly Bill No. 130, and now concur in Senate amendment to section forty-five of said bill.

M. C. HALEY, Chief Clerk.

By G. W. HERBERT, Assistant Clerk.

Mr. McClure, at request of Mr. Maddox, moved to reconsider the vote whereby the resolution allowing per diem as committee clerk to Mrs. Mary A. Bryant was adopted.

Ayes and noes demanded.

Roll called, with the following result:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, English, Filcher, Fraser, Johnson, Knight, Langford, Lynch, Maddox, Murphy, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill—26.

NOES—Messrs. Dougherty, Harrigan, Keating, Kelly of San Francisco, McCarthy, Nelson, Perry, Routier, Ryan, and Wallis—10.

So ordered.

The question recurring on the adoption of the resolution, the ayes and noes were demanded by Senators Maddox, Reynolds, and Routier.

Roll called, and the resolution lost by the following vote:

AYES—Messrs. Brooks, Cronan, Dougherty, Harrigan, Keating, Kelly of San Francisco, McCarthy, McClure, Nelson, Perry, Routier, Ryan, and Wallis—13.

NOES—Messrs. Baldwin, Buck, Chandler, Cox, Cross, Del Valle, English, Filcher, Fraser, Johnson, Knight, Langford, Lynch, Maddox, Murphy, Reddy, Reynolds, Spencer of Napa, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill—23.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Kellogg:

*Resolved*, That a night session of the Senate be held this Thursday, commencing at seven o'clock and thirty minutes P. M., and that the following order of business be adopted for such session, and that no other business shall be transacted, unless by unanimous consent of the Senate:

Order of business for Thursday evening, March eighth, eighteen hundred and eighty-three: The Secretary shall call the roll of Senators in regular order, and when their names are called each Senator may move to take up one bill out of order from the files, and the same may be acted upon; *provided*, that five or more Senators do not object, when the title of the bill is read, to so taking up the bill called for; *provided*, that the County Government Bill shall be passed upon its second reading or postponed until to-morrow.

Mr. Murphy moved to amend, by making the order of business as follows:

1. County Government Bill.
2. Special File.
3. Third Reading—General File.

Amendment adopted.

Mr. Taylor moved to amend, by striking out "provided five or more Senators do not object."

Pending debate on this amendment, Mr. Cross moved to lay the resolution on the table.

Carried.

Mr. Cross asked permission to withdraw for the Conference Committee on adjournment of the twenty-fifth session of the Legislature, when the Assembly committee notify them that they are ready to meet.

Granted.

#### INTRODUCTION OF A BILL.

Mr. Maddox asked leave to introduce a bill.

Roll called, and the request granted by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney' and Wolfskill—37.

NOES—None.

So ordered.

By Mr. Maddox: Senate Bill No. 392—An Act to appropriate moneys for the contingent expenses of the Senate for the twenty-fifth session of the Legislature.

On motion of Mr. Maddox, the bill was read first time, and placed on file.

Mr. Maddox moved to suspend the provisions of section fifteen of article four of the Constitution, requiring bills to be read on three several days, that Senate Bill No. 392 be declared a case of urgency, and considered read second time.

Roll called, with the following result:

AYES—Messrs. Baldwin, Brooks, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Vrooman, Wallis, Whitney, and Wolfskill—34.

NOES—Messrs. Lynch and Taylor—2.

So ordered.

#### SPECIAL ORDER.

#### MESSAGES FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 5, 1883. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 50—An Act to provide for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities.

GEORGE STONEMAN, Governor.

Also, the following:



STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 6, 1883. }

*To the honorable the Senate of the State of California:*

MR. PRESIDENT: I have this day appointed Thomas Powers a Pilot for the harbor of Wilmington, State of California, and I respectfully request the consent of the Senate to the same.

GEORGE STONEMAN, Governor.

On motion of Mr. Kellogg, the Senate went into executive session to consider the appointments of the Governor.

Upon the question: "Will the Senate advise and consent to the appointment of Thomas Powers, as Pilot for the harbor of Wilmington, State of California?" the roll was called, with the following result:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Whitney, and Wolfskill—36.

NOES—Messrs. Vrooman and Wallis—2.

Whereupon the President announced the appointment of Thomas Powers, as Pilot for the harbor of Wilmington, State of California, duly confirmed.

Also, the following:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 6, 1883. }

*To the honorable the Senate of the State of California:*

MR. PRESIDENT: I have this day appointed Isaac W. Hellman, of Los Angeles County, a Regent of the University of California, vice himself, resigned, and I respectfully ask the consent of the Senate to the same.

GEORGE STONEMAN, Governor.

Upon the question: "Will the Senate advise and consent to the appointment of Isaac W. Hellman, of Los Angeles County, as Regent of the University of the State of California, vice himself, resigned?" the roll was called, with the following result:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, and Whitney—37.

NOES—Mr. Wolfskill—1.

Whereupon the President announced the appointment of Isaac W. Hellman as Regent of the University of the State of California, duly confirmed.

Also, the following:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 7, 1883. }

*To the honorable the Senate of the State of California:*

MR. PRESIDENT: I have appointed the following Port Wardens for the port of San Francisco, viz: Charles Thorn, vice Archibald Harloe, term expiring March thirtieth, eighteen hundred and eighty-four; Otto Luders, vice George T. Bromley, term expiring March thirtieth, eighteen hundred and eighty-four, and George Cummings, vice William Young, term expiring March thirtieth, eighteen hundred and eighty-four, and I respectfully ask the consent of the Senate to the same.

GEORGE STONEMAN, Governor.

Upon the question: "Will the Senate advise and consent to the



appointment of Charles Thorn, as Port Warden for the port of San Francisco, vice Archibald Harloe, term expiring March thirtieth, eighteen hundred and eighty-four?" the roll was called, with the following result:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—37.

NOES—Mr. Perry—1.

Whereupon the President announced the appointment of Charles Thorn, as Port Warden for the port of San Francisco, duly confirmed.

Upon the question: "Will the Senate advise and consent to the appointment of Otto Luders, as Port Warden for the port of San Francisco, vice George T. Bromley, term expiring March thirtieth, eighteen hundred and eighty-four?" the roll was called, with the following result:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—36.

NOES—Mr. Perry—1.

Whereupon the President announced the appointment of Otto Luders, as Port Warden for the port of San Francisco, duly confirmed.

Upon the question: "Will the Senate advise and consent to the appointment of George Cummings, as Port Warden for the port of San Francisco, vice William Young, term expiring March thirtieth, eighteen hundred and eighty-four?" the roll was called, with the following result:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Dougherty, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—34.

NOES—Mr. Perry—1.

Whereupon the President announced the appointment of George Cummings, as Port Warden for the port of San Francisco, duly confirmed.

Also, the following:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
SACRAMENTO, March 7, 1883.

*To the honorable the Senate of the State of California:*

MR. PRESIDENT: I have this day appointed P. A. Forrester, of San Luis Obispo County, Commissioner of Immigration, vice Charles D. Bunker, term expired, and I respectfully ask the consent of the Senate to the same.

GEORGE STONEMAN, Governor.

Upon the question: "Will the Senate advise and consent to the appointment of P. A. Forrester, of San Luis Obispo County, as Commissioner of Immigration, vice Charles D. Bunker, term expired?" the roll was called, with the following result:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Knight,

Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill—35.  
 NOES—Mr. Perry—1.

Whereupon the President announced the appointment of P. A. Forrester, as Commissioner of Immigration, duly confirmed.

Also, the following:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 SACRAMENTO, March 7, 1883. }

*To the honorable the Senate of the State of California:*

MR. PRESIDENT: I have this day appointed George T. Marye a Regent of the University of the State of California, vice Leland Stanford, resigned; also, have appointed Arthur Rodgers a Regent of the University of the State of California, vice N. Greene Curtis, resigned; and I respectfully ask the consent of the Senate to the same.

GEORGE STONEMAN, Governor.

Upon the question: "Will the Senate advise and consent to the appointment of George T. Marye, as Regent of the University of the State of California, vice Leland Stanford, resigned?" the roll was called, with the following result:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—36.  
 NOES—Mr. McClure—1.

Whereupon the President announced the appointment of George T. Marye, as Regent of the University of the State of California, duly confirmed.

Upon the question: "Will the Senate advise and consent to the appointment of Arthur Rodgers, as Regent of the University of the State of California, vice N. Greene Curtis, resigned?" the roll was called, with the following result:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—37.  
 NOES—Mr. McClure—1.

Whereupon the President announced the appointment of Arthur Rodgers, as Regent of the University of the State of California, duly confirmed.

Also, the following:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 SACRAMENTO, March 7, 1883. }

*To the honorable the Senate of the State of California:*

Having approved Assembly Bill No. 356—An Act to amend sections two thousand five hundred and twenty, two thousand five hundred and twenty-one, two thousand five hundred and twenty-two, two thousand five hundred and twenty-eight, two thousand five hundred and thirty, two thousand five hundred and forty-five, and two thousand five hundred and fifty-two of the Political Code, and to repeal section two thousand and thirty-four of said Code, all of said sections relating to the Board of State Harbor Commissioners, their powers and duties—I hereby nominate and appoint the following persons as a Board of State Harbor Commissioners, viz.: William Irwin, of Siskiyou County, for the term of four years; A. C. Paulsell, of San Joaquin County, for the term of three years; and John H. Wise, of the City and County of San Francisco, for the term of two years; and I respectfully ask the consent of the Senate to the same.

GEORGE STONEMAN, Governor.

Upon the question: "Will the Senate advise and consent to the appointment of William Irwin, of Siskiyou County, as Harbor Com-

missioner for the term of four years?" the roll was called, with the following result:

AYES—Messrs. Baldwin, Buck, Chandler, Cox, Cross, Del Valle, Filcher, Foster, Johnson, Kelly of San Francisco, Langford, Lynch, Maddox, Murphy, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, and Taylor—20.

NOES—Messrs. Brooks, Cronan, Dougherty, English, Fraser, Harrigan, Keating, Kellogg, Knight, McCarthy, McClure, Nelson, Perry, Routier, Ryan, Vrooman, Wallis, Whitney, and Wolfskill—19.

Whereupon the President announced the appointment of William Irwin, as Harbor Commissioner, duly confirmed.

Upon the question: "Will the Senate advise and consent to the appointment of A. C. Paulsell, of San Joaquin County, as Harbor Commissioner for the term of three years?" the roll was called, with the following result:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Whitney, and Wolfskill—34.

NOES—Messrs. Fraser, McClure, Perry, Vrooman, and Wallis—5.

Whereupon the President announced the appointment of A. C. Paulsell, as Harbor Commissioner, duly confirmed.

Upon the question: "Will the Senate advise and consent to the appointment of John H. Wise, of the City and County of San Francisco, as Harbor Commissioner for the term of two years?" the roll was called, with the following result:

AYES—Messrs. Baldwin, Brooks, Buck, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Whitney—31.

NOES—Messrs. Chandler, Fraser, McClure, Perry, Routier, Vrooman, Wallis, and Wolfskill—8.

Whereupon the President announced the appointment of John H. Wise, as Harbor Commissioner, duly confirmed.

On motion of Mr. Fraser, the Senate rose from executive session.

Further message from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT,  
SACRAMENTO, March 7, 1883.

*To the Senate of the State of California:*

MR. PRESIDENT: I have to inform your honorable body that I have approved Senate Bill No. 131—An Act to appropriate money for the support of aged persons in indigent circumstances residing in the home of the Veterans' Home Association.

Also, Senate Bill No. 228—An Act to provide for the submission of proposed amendments to the Constitution of the State of California to the qualified electors for their approval.

Also, Senate Bill No. 247—An Act to provide for the better control and management of the several funds of the University of California, and for the investment and security of the same.

GEORGE STONEMAN, Governor.

In accordance with previous notice, Mr. Cross moved to reconsider the vote by which Senate Bill No. 358 was refused passage.

Carried.

On motion of Mr. Murphy, Senate Bill No. 358—An Act to appropriate money for the support of aged persons in indigent circumstances—was referred to a committee of one, consisting of Senator Cross, with instructions to amend as follows: Amend section one by striking out the words "and fifty," in line eleven of page two of the

engrossed bill; also, by striking out the word "forty-five," in lines three and four, on page two, and insert the word "sixty" in lieu thereof; also, to amend section seven, by adding at the end of line ten the following:

*Fourth*—No institution not under the exclusive control of the State shall receive any aid under the provisions of this Act, unless such institution shall own in its corporate name real property, devoted to the support and maintenance of aged persons in indigent circumstances, either solely, or in connection with orphans, half orphans, and abandoned children, of the value of not less than fifteen thousand dollars.

Mr. Cross made report that he had amended the bill in accordance with the above instructions.

#### REPORTS OF COMMITTEES—(OUT OF ORDER).

##### ON ENGROSSED BILLS.

SENATE CHAMBER, March 8, 1883.

Ma. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred Senate Bill No. 212, have examined the same, and find it properly engrossed.

NELSON, Chairman.

##### ON CONTINGENT EXPENSES AND MILEAGE—(MAJORITY REPORT).

SENATE CHAMBER, SACRAMENTO, March 8, 1883.

Ma. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz.:

*First—Resolved*, That the sum of one thousand eight hundred and eighty dollars and seventy-eight cents (\$1,880 78) be and the same is hereby appropriated out of the Contingent Fund of the Senate, the same being the expenses incurred by George Steele in the contested election case of Brooks vs. Steele.

*Second*—That the Controller of the State be and he is hereby authorized and instructed to draw his warrant in favor of said George Steele for said amount of one thousand eight hundred and eighty dollars and seventy-eight cents (\$1,880 78), and the Treasurer of State is hereby instructed to pay the same.

The committee beg leave to report back, and recommend that the amount be changed from one thousand eight hundred and eighty dollars and seventy-eight cents to one thousand dollars, and that the resolution be adopted as amended.

Also, the following:

*Resolved*, That the sum of two thousand six hundred and sixty-six and eighty one hundredths dollars be and the same is hereby appropriated out of the Contingent Fund of the Senate to pay J. M. Brooks for his expenses necessarily and lawfully incurred in the contest against George Steele for the seat in the Senate from the Third Senatorial District, and the Controller be and he is hereby directed to draw his warrant in favor of said J. M. Brooks for said sum:

Expenses incurred in San Luis Obispo County .....	\$1,230 50
Reporting testimony before the Commissioner for Ventura and Santa Barbara Counties and officers' fees, etc. ....	936 30
Attorneys' fees before the Senate Committee on Elections .....	500 00
Total .....	\$2,666 80

Have had the same under consideration, report back, and recommend that the amount be changed from two thousand six hundred and sixty-six and eighty one hundredths dollars to one thousand three hundred and thirty-three and forty one hundredths dollars.

MADDOX, Chairman.

##### MINORITY REPORT.

SENATE CHAMBER, SACRAMENTO, March 8, 1883.

Ma. PRESIDENT: The undersigned, your Committee on Contingent Expenses, to whom was referred the following resolution, presented in the Senate February twenty-third, eighteen hundred and eighty-three, by the Committee on Elections, and referred to the Committee on Contingent Expenses, allowing George Steele one thousand eight hundred and eighty dollars and seventy-eight cents for expenses incurred in his contest with J. M. Brooks for seat in the Senate from the Third Senatorial District, have examined same, and report that the said Steele be allowed the sum of one thousand six hundred and thirty dollars and seventy-eight cents



(\$1,630 75), and recommend that the original resolution be adopted with this amendment, as hereinbefore stated.

EDWARD KEATING.

*Resolved*, That the sum of one thousand eight hundred and fifty dollars and seventy-eight cents be and the same is hereby appropriated out of the Contingent Fund of the Senate, the same being the expenses incurred by George Steele in the contested election case of Brooks vs. Steele, as per inclosed schedule.

Also, the following :

SENATE CHAMBER, SACRAMENTO, March 8, 1883.

MR. PRESIDENT: The undersigned Committee on Contingent Expenses, to whom was referred the resolution allowing J. M. Brooks the sum of twenty-six hundred and sixty-six dollars and sixty-six cents as expenses incurred in his contest with Steele for seat in the Senate for the Third Senatorial District, have examined same, and report that said Brooks be allowed the sum of twenty-four hundred and eighty-four dollars and thirty cents (\$2,484 30), and recommend that the original resolution be adopted, with this amendment, as hereinbefore stated.

KEATING.

*Resolved*, That the sum of two thousand six hundred and sixty-six dollars and eighty cents be and the same is hereby appropriated out of the Contingent Fund of the Senate, to pay J. M. Brooks for his expenses necessarily and lawfully incurred in the contest against George Steele for the seat in the Senate from the Third Senatorial District, and the Controller be and he is hereby directed to draw his warrant in favor of said J. M. Brooks for said sum.

Expenses incurred in San Luis Obispo County, one thousand two hundred and thirty dollars and six cents; reporting testimony before the Commissioner for Ventura and Santa Barbara Counties, and officers' fees, etc., nine hundred and thirty-six dollars and thirty cents; attorneys' fees before the Senate Committee on Elections, five hundred dollars.

After discussion, on motion of Mr. Filcher, the consideration of these reports was made a special order for Friday, March ninth, immediately after the reading of the Journal.

Mr. Reddy moved to reconsider the vote by which the Senate receded from its amendment to Assembly Bill No. 128.

Ayes and noes demanded by Senators Reddy, Brooks, and McClure.

Roll called, and the motion to reconsider lost by the following vote :

AYES—Messrs. Brooks, Del Valle, Johnson, Kellogg, McClure, Reddy, Sullivan, Vrooman, and Whitney—9.

NOES—Messrs. Buck, Cronan, Cross, Dougherty, English, Filcher, Harrigan, Keating, Kelly of San Francisco, Knight, Lynch, Maddox, Murphy, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Taylor, and Wallis—21.

Mr. Murphy moved to take up Senate Bill No. 212 out of order.

Ayes and noes demanded on the motion.

Roll called, and the motion lost by the following vote :

AYES—Messrs. Brooks, Buck, Cronan, Cross, Dougherty, English, Filcher, Fraser, Keating, Kelly of San Francisco, Kelley of Solano, Maddox, McCarthy, Murphy, Routier, Ryan, Taylor, Vrooman, and Wallis—19.

NOES—Messrs. Harrigan, Johnson, Knight, Lynch, Perry, Reddy, Reynolds, Spencer of Napa, Sullivan, Whitney, and Wolfskill—11.

#### SPECIAL FILE—(RESUMED).

Assembly Bill No. 448—Second reading resumed.

After debate, ayes and noes demanded on the amendment offered by Mr. McClure, by Senators Spencer of Napa, Cross, and Kelley of Solano.

Roll called, and the amendment adopted by the following vote :

AYES—Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Dougherty, Filcher, Foster, Fraser,



Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Routier, Ryan, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—30.

NOES—Messrs. Cross, Del Valle, Keating, Kelley of Solano, Langford, Reynolds, Spencer of Napa, and Spencer of Stanislaus—8.

At five o'clock and fifteen minutes p. m., Mr. Reddy moved to take a recess until seven o'clock and thirty minutes p. m.

Lost.

Mr. Knight moved to adjourn.

Lost.

#### SPECIAL ORDER.

Assembly Bill No. 129—An Act to divide the State of California into Congressional Districts.

Read first time, and on motion of Mr. Del Valle made a special order for Friday, March ninth, eighteen hundred and eighty-three, at ten o'clock and thirty minutes a. m.

#### REPORTS OF COMMITTEES—(OUT OF ORDER).

##### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 7, 1883.

MR. PRESIDENT: Your Judiciary Committee desire to amend their report as recorded upon Senate Bills Nos. 245 and 246, so as to read "that we recommend that they do pass."

DENNIS SPENCER.  
GEO. H. PERRY.  
R. F. DEL VALLE.  
HENRY VROOMAN.  
DAVID McCCLURE.  
G. A. JOHNSON.  
FRANK J. SULLIVAN.  
PATRICK REDDY.  
GEO. E. WHITNEY.  
K. E. KELLEY.  
J. M. BROOKS.  
C. W. CROSS.  
CLAY W. TAYLOR.  
W. W. KELLOGG.  
F. T. BALDWIN.

##### ON CORPORATIONS.

SENATE CHAMBER, SACRAMENTO, March 7, 1883.

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 202—An Act to amend "An Act creating a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1878—have had the same under consideration, and report the same back, and recommend that it do not pass.

Also, Senate Bill No. 239—An Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered section five hundred and forty-one, and recommend that it do not pass.

Also, Senate Bill No. 344—An Act to regulate fire, marine, and inland insurance companies transacting business in this State—and recommend that it do not pass.

Also, Senate Bill No. 390—An Act to confer additional powers on the Board of Railroad Commissioners of the State of California—and recommend that it do not pass.

RYAN, Chairman.

##### ON PUBLIC, SWAMP, AND OVERFLOWED LANDS.

SENATE CHAMBER, SACRAMENTO, March 7, 1883.

MR. PRESIDENT: Your Committee on Swamp and Overflowed Lands beg leave to report back without recommendation Senate Bill No. 119—"An Act to provide for repayment of charges or assessments, with interest thereon, paid by owners in Swamp Land Reclamation Districts, in cases where all the land owners in said district have not paid such charges or assessments."

Also, Senate Bill No. 262—An Act entitled "An Act relating to the cancellation of unap-

proved applications for lands under the grants of the sixteenth and thirty-sixth sections of land in lieu thereof, and under the five hundred thousand acre grant."

Also, Senate Bill No. 360—An Act to amend section three thousand five hundred and forty-six of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings against delinquent purchasers.

Also, Senate Bill No. 388—An Act granting relief to delinquent taxpayers whose lands have been sold to the State.

COX, Chairman.

ON FISH AND GAME.

SENATE CHAMBER, SACRAMENTO, March 7, 1883.

MR. PRESIDENT: Your committee to whom was referred Senate Bill No. 357—An Act to amend section six hundred and thirty-six of the Penal Code—have had the same under consideration, and now report the same back, and recommend that it do not pass.

Also, Senate Bill No. 378—Entitled "An Act to establish a Penal Code"—have had the same under consideration, and now report the same back, and recommend that it do not pass.

FOSTER, Chairman.

At five o'clock and thirty minutes P. M., on motion of Mr. Del Valle, the Senate took a recess until seven o'clock and thirty minutes P. M.

REASSEMBLED.

At seven o'clock and thirty minutes P. M., the Senate reassembled.

Hon. R. F. Del Valle, President pro tem., in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Fileher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Assembly Bill No. 448—Second reading resumed.

Mr. Ryan moved to amend section twenty-six, by inserting the word "booms" after the word "chutes," in line one hundred and forty-six.

Adopted.

On motion of Mr. Taylor, subdivision seventeen of section twenty-six amended by adding the following: "and to employ counsel to assist the District Attorney of the county in conducting the same."

On motion of Mr. Taylor, the following amendment was adopted: Strike out the word "five," in line two of section forty-three, and insert the word "one."

On motion of Mr. Fileher, the following amendment was adopted: Strike out the words "Surveyor-General," in line one of section fifty-one, and insert in lieu thereof the words "Board of Equalization."

On motion of Mr. Taylor, the following amendment was adopted: Insert in line two of section fifty-two, top of page eighteen, between the words "be" and "verified," the words "itemized and."

On motion of Mr. Reddy, the following amendment was adopted: Strike out in line six, section fifty-five, all after the words "private rights" to end of section.

On motion of Mr. Ryan, the word "the," in line six, section fifty-five, was stricken out.

On motion of Mr. Taylor, the following amendment was adopted: amend section fifty-eight to read as follows:

Line two, a Sheriff.  
 Line three, a County Clerk.  
 Line four, an Auditor.  
 Line five, a Recorder.  
 Line six, a Tax Collector.  
 Line seven, a District Attorney.  
 Line eight, an Assessor.  
 Line nine, a Treasurer.  
 Line ten, a Superintendent of Schools.  
 Line eleven, a Public Administrator.  
 Line twelve, a Coroner.  
 Line thirteen, a Surveyor.  
 Line fourteen, the members of the Board of Supervisors.  
 Line eighteen, Sheriff and Tax Collector.  
 Line nineteen, County Clerk and Recorder.  
 Line twenty, County Clerk and Auditor.  
 Line twenty-one, Treasurer and Tax Collector.  
 Line twenty-two, Public Administrator and Coroner.

On motion of Mr. Vrooman, the following amendment was adopted: Strike out line twenty-five in section fifty-eight.

On motion of Mr. McClure, section sixty-one was amended, by inserting the word "elected" between the words "all" and "county," in line one.

On motion of Mr. Taylor, section sixty-one was amended, by inserting in line eight, after the word "elected," the words "or appointed."

On motion of Mr. Spencer of Stanislaus, section sixty-seven was amended, by striking out in line two the words "Tax Collector."

On motion of Mr. Vrooman, section sixty-six was amended, by inserting the words "and their deputies," after the words "fifty-eight," in line one.

On motion of Mr. Vrooman, section seventy-four was amended, by adding thereto the following:

*Provided, however,* that the Treasurer shall not receive, or pay, or indorse any warrant until he shall have received from the Clerk of the Board of Supervisors the certified list mentioned in subdivision four of section twenty-one of this Act; and not then unless the claim or order upon which said warrant is based appears upon such list.

On motion of Mr. Fraser, section seventy-five was amended, by striking out the word "seven," in line four, and inserting the word "five" in lieu thereof.

Senator McClure in the chair.

On motion of Mr. Vrooman, section one hundred and fourteen was amended as follows: Amend section one hundred and fourteen, page thirty, by striking out the word "also," in line four, and inserting in lieu thereof the following:

*Provided, however,* that the Auditor must not draw a warrant on the County Treasurer in favor of any person until said Auditor shall have received from the Clerk of the Board of Supervisors the certified list mentioned in subdivision four of section twenty-one of this Act. The Auditor must also draw his warrants on the County Treasurer.

#### CONSIDERATION OF A BILL—(OUT OF ORDER).

Mr. Murphy moved to suspend the rules, and take up Senate Bill No. 212.

Ayes and noes demanded by Senators Perry, Kellogg, and Reynolds. Roll called, and the motion carried by the following vote:

AYES—Messrs. Brooks, Buck, Del Valle, English, Filcher, Foster, Fraser, Harrigan, Johnson,

Keating, Kelley of Solano, Lynch, Maddox, McClure, Murphy, Perry, Routier, Ryan, Taylor, Vrooman, Wallis, and Whitney—22.

NOES—Messrs. Baldwin, Chandler, Cross, Dougherty, Kelly of San Francisco, Knight, Reynolds, Spencer of Napa, Spencer of Stanislaus, and Wolfskill—10.

At ten o'clock and five minutes P. M., Mr. Kelley of Solano moved to adjourn.

Lost.

### THIRD READING—GENERAL FILE.

Mr. Murphy moved that Senate Bill No. 212 be read third time.

Senate Bill No. 212—An Act for the relief of John W. Metcalf and George McLellan.

Read third time, and passed by the following vote :

AYES—Messrs. Brooks, Buck, Cronan, Del Valle, Dougherty, English, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Maddox, McClure, Murphy, Perry, Reddy, Routier, Ryan, Spencer of Napa, Sullivan, Taylor, Vrooman, and Wallis—24.

NOES—Messrs. Baldwin, Chandler, Cross, Filcher, Foster, Knight, Lynch, Reynolds, Spencer of Stanislaus, Whitney, and Wolfskill—11.

Title read and approved.

At ten o'clock and ten minutes P. M., Mr. Routier moved to adjourn.

Lost.

Section one hundred and forty-four of Assembly Bill No. 448 read.

At ten o'clock and twelve minutes P. M., Mr. Vrooman moved to adjourn.

Lost.

Section one hundred and forty-five of Assembly Bill No. 448 read.

At ten o'clock and fifteen minutes P. M., Mr. Kelley of Solano moved to adjourn.

Lost.

Section one hundred and forty-six of Assembly Bill No. 448 read.

At ten o'clock and seventeen minutes P. M., Mr. Kellogg moved to adjourn.

Ayes and noes demanded by Senators Kellogg, Perry, and Vrooman.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Brooks, Cronan, Dougherty, Harrigan, Keating, Kelley of Solano, Kellogg, Knight, McCarthy, Perry, Reddy, Routier, Ryan, Vrooman, Wallis, and Whitney—16.

NOES—Messrs. Baldwin, Chandler, Cox, Del Valle, English, Filcher, Foster, Fraser, Johnson, Kelly of San Francisco, Langford, Lynch, Maddox, McClure, Nelson, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—21.

Section one hundred and forty-seven of Assembly Bill No. 448 read.

At ten o'clock and twenty minutes P. M., Mr. Reddy moved to adjourn.

Lost.

Section one hundred and forty-eight of Assembly Bill No. 448 read.

### CALL OF THE SENATE.

Mr. Kellogg moved a call of the Senate.

Lost.

At ten o'clock and twenty-two minutes P. M., Mr. Vrooman moved to adjourn.

Ayes and noes demanded by Senators Vrooman, Brooks, and Wallis.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Brooks, Cronan, Dougherty, Harrigan, Kelley of Solano, McCarthy, Perry, Reddy, Routier, Vrooman, Wallis, and Whitney—12.

NOES—Messrs. Baldwin, Chandler, Cox, Del Valle, English, Filcher, Foster, Fraser, Johnson, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McClure, Nelson, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—23.

Sections one hundred and forty-nine to one hundred and sixty-three, inclusive, of Assembly Bill No. 448, read.

At ten o'clock and forty-five minutes, Mr. Taylor moved to adjourn.

Ayes and noes demanded by Senators Vrooman, Brooks, and Wallis.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Brooks, Cronan, Dougherty, Harrigan, Keating, Kelley of Solano, McCarthy, Reddy, Routier, Taylor, Vrooman, and Wallis—12.

NOES—Messrs. Baldwin, Chandler, Cox, Del Valle, English, Filcher, Foster, Fraser, Johnson, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, McClure, Murphy, Perry, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Whitney, and Wolfskill—23.

On motion of Mr. Maddox, section one hundred and sixty-four in counties of third class was amended as follows: Amend line eight, after the word "Treasurer," by striking out the word "four" and inserting the word "three."

On motion of Mr. Cox, section one hundred and sixty-four, in counties of the fourth class, was amended by inserting in line twenty the word "not" after the word "shall."

At eleven o'clock and ten minutes, Mr. Routier moved to adjourn. Lost.

On motion of Mr. Langford, section one hundred and sixty-four, line twelve, in counties of seventh class, was amended as follows: Strike out "three thousand four hundred" and insert "two thousand."

Also, amend as follows: In line twenty-six, strike out the word "eight," and insert the word "six."

Also, amend as follows: In line sixteen, strike out "four thousand five hundred," and insert "three thousand."

Also, amend as follows: Commencing with the word "provided" in line sixteen, strike out to and including the word "thereto" in line eighteen.

Also, amend as follows: Strike out in line twenty-seven the words "and Treasurer," and insert the word "and" before Recorder.

Also, amend as follows: Insert in line twenty-nine, after the word "annum," the following: "The Treasurer may, with the consent of the Board of Supervisors, employ a deputy for such time as said Board shall deem necessary, who shall receive from the county a salary, to be fixed by said Board, not exceeding one hundred dollars per month."

On motion of Mr. Spencer of Napa, section one hundred and sixty-four, in line nineteen, in counties of the ninth class, was amended as follows: After the word "each" insert the words "per annum."

At eleven o'clock and thirty minutes P. M., Mr. Maddox moved to adjourn.

Lost.

On motion of Mr. Filcher, section one hundred and sixty-four, in counties of the twelfth class, was amended as follows: Amend, by striking out on page fifty of printed bill, twelfth class, bottom of the page, lines one, two, three, four, five, six, seven, and eight of the subdivision, and insert as follows:



1. The County Clerk, three thousand two hundred and fifty dollars per annum.
2. The Sheriff, nine thousand dollars per annum.
3. The Recorder, three thousand dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, two thousand dollars per annum.
6. The Tax Collector, one thousand five hundred dollars per annum.
7. The Assessor, five thousand five hundred dollars per annum.
8. The District Attorney, two thousand seven hundred and fifty dollars per annum.

Also, amended as follows: Amend, by striking out on page fifty-one, line fifteen, of the subdivision, and inserting as follows:

2. The Superintendent of Schools, fourteen hundred dollars per annum.

Also, amend as follows: Strike from line nineteen, page fifty-one, all after the words "Justices of the Peace," and insert "such fees as are now allowed by law, except that for all services and proceedings before a Justice of the Peace, in a criminal action or proceeding, whether on examination or trial, three dollars per day, and ten cents per folio for writing down testimony when required by law."

At eleven o'clock and fifty minutes P. M., Mr. English moved to adjourn.

Lost.

On motion of Mr. Chandler, the following amendment was adopted to section one hundred and sixty-four:

In counties of the twenty-second class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their office, the following salaries, to wit:

1. The County Clerk, three thousand dollars per annum.
2. The Sheriff, four thousand dollars per annum.
3. The Recorder, one thousand five hundred dollars per annum.
4. The Auditor, one thousand dollars per annum.
5. The Treasurer, one thousand five hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, two thousand five hundred dollars per annum.
8. The District Attorney, three thousand dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, such fees as are now or hereafter may be allowed by law.
11. The Superintendent of Schools, one thousand dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, five dollars per day, while in session, and twenty cents per mile while traveling from his place of residence to the county seat.

#### ADJOURNMENT.

At twelve o'clock P. M. the President declared the Senate adjourned.

#### IN SENATE.

SENATE CHAMBER,  
Friday, March 9, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cross, Del Valle, Dougherty, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, and Whitney.

Quorum present.

On motion of Mr. Filcher, the reading of the Journal was dispensed with, and the same approved.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Filcher:

*Resolved*, That the clerks of all of the committees of the Senate, except the clerks of the Committees on Engrossment, Enrollment, and County Governments, be and they are hereby discharged.

Adopted.

By Mr. Cross:

*Resolved*, That the State Printer be instructed to print two hundred and forty copies of the brief of Laura Do Foree Gordon, attorney at law, upon Senate Bill No. 366—Entitled "An Act to enable women to vote at elections for school officers, and on matters pertaining to schools, etc."

Adopted.

By Mr. McClure:

*Resolved*, That the Secretary be and he is hereby ordered to compile a history of Senate Bills and Concurrent and Joint Resolutions of the twenty-fifth session; and further

*Resolved*, That two copies of such history be mailed to each Senator and Assemblyman; also,

*Resolved*, That the Controller draw his warrant in favor of the Secretary for two hundred dollars, such sum to include payment for compilation and mailing.

Adopted.

By Mr. Reddy:

WHEREAS, At all previous sessions, the Postmistress of the Senate has been allowed a Page; and whereas, no such Page has been appointed by this body, but the Postmistress has herself performed the duties of said Page; therefore, be it

*Resolved*, That the Controller be authorized and directed to draw his warrant in favor of the Postmistress of the Senate for the sum of one hundred and twenty dollars for such services.

Adopted.

#### PETITION—(OUT OF ORDER).

By Mr. Routier: A petition for the passage of a law known as the "Identity Act," signed by Mrs. E. P. W. Packard.

Referred to Judiciary Committee.

By consent, Senator Chandler was allowed to withdraw Senate Bill No. 170; Senator Harrigan withdrew Senate Bill No. 183, and Senator Foster, Senate Bill No. 192.

Mr. Sullivan moved to take up Senate Bill No. 321 out of order.

Lost.

Mr. Cross moved to take up Senate Bill No. 392 out of order.

Carried.

Senate Bill No. 392—An Act to appropriate money to provide a Contingent Fund for the Senate for the twenty-fifth session of the Legislature.

Read third time, and passed by the following vote:

AYES—Messrs. Brooks, Chandler, Cox, Cross, Del Valle, Dougherty, Filcher, Foster, Fraser, Johnson, Kelly of San Francisco, Kellogg, Langford, Lynch, McCarthy, McClure, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, and Whitney—28.

NOES—Mr. Kelley of Solano—1.

Title read and approved.

#### SPECIAL ORDERS.

On motion of Mr. Del Valle, the consideration of Assembly Bill No. 129 was postponed, until two o'clock and thirty minutes P. M. of this day.

Consideration of the reports of Committee on Contingent Expenses in the Brooks vs. Steele election case.

Mr. Spencer of Napa moved to postpone until Assembly Bill No. 448 was disposed of.

Lost.

Mr. McClure moved to amend the resolution appropriating one thousand eight hundred and eighty-eight dollars and seventy-eight cents to George Steele, by substituting the following:

*Resolved*, That George Steele be allowed and paid out of the Contingent Fund of the Senate the sum of fifteen hundred and eighty and seventy-eight hundredths (\$1,580 78) dollars, as and for his expenses and costs in the contested election case of Brooks vs. Steele.

Adopted.

Resolution as amended adopted.

Mr. Maddox moved a call of the Senate.

Ayes and noes demanded.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Brooks, Buck, Dougherty, Harrigan, Lynch, Maddox, McCarthy, Perry, Reynolds, Routier, Taylor, and Wallis—12.

NOES—Messrs. Chandler, Fraser, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, McClure, Nelson, Reddy, Ryan, Spencer of Napa, Spencer of Stanislaus, Vrooman, and Whitney—14.

Mr. Vrooman moved to amend the resolution appropriating two thousand six hundred and sixty-six dollars and eighty cents to J. M. Brooks, by making the amount two thousand three hundred and sixty-six dollars and eighty cents.

Lost.

Mr. Taylor moved a call of the Senate.

Ayes and noes demanded on the motion.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Buck, Cox, Cross, Dougherty, Filcher, Foster, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Lynch, Maddox, Perry, Reynolds, Spencer of Stanislaus, Taylor, and Wallis—17.

NOES—Messrs. Chandler, Fraser, Kellogg, Knight, McCarthy, McClure, Nelson, Reddy, Routier, Ryan, Spencer of Napa, Vrooman, and Whitney—13.

So ordered.

#### CALL OF THE SENATE.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cross, Del Valle, Dougherty, Filcher, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight,

Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, and Whitney.

On motion of Mr. Kellogg, further proceedings under the call of the Senate were dispensed with.

Mr. Spencer of Napa moved to amend the resolution, by inserting in lieu of two thousand six hundred and sixty-six dollars and eighty cents, the sum of one thousand seven hundred and fifty dollars.

After debate, Mr. Vrooman moved to amend, by substituting the following :

*Resolved*, That J. M. Brooks be and he is hereby allowed and paid out of the Contingent Fund of the Senate, the sum of two thousand dollars, as and for his expenses in the contested election case of Brooks vs. Steele.

Ayes and noes demanded on the adoption of this amendment, by Senators Fraser, Reddy, and Reynolds.

Roll called, and the amendment adopted by the following vote :

AYES—Messrs. Baldwin, Buck, Cox, Del Valle, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Routier, Ryan, Taylor, Vrooman, and Whitney—25.

NOES—Messrs. Chandler, Filcher, Lynch, Reynolds, Spencer of Napa, Spencer of Stanislaus, and Wallis—7.

Mr. Maddox gave notice that, on the following day, he would move a reconsideration of the vote whereby this amendment was adopted.

The resolution as amended adopted.

On motion of Mr. Spencer of Napa, the Senate proceeded to the consideration of Assembly Bill No. 448.

#### SPECIAL FILE—(SECOND READING).

Consideration of Assembly Bill No. 448 resumed.

On motion of Mr. Spencer of Stanislaus, section one hundred and sixty-four, in counties of the twenty-sixth class, was amended as follows: Amend line twenty, after the word "provided, that no Supervisor shall receive more than six hundred dollars for any one year."

On motion of Mr. Spencer of Napa, section one hundred and sixty-four, in counties of the thirty-seventh class, was amended as follows: In line ten, after the word "eight" insert the word "hundred."

On motion of Mr. Spencer of Stanislaus, section one hundred and sixty-four, in counties of the forty-first class, was amended as follows: In line ten strike out the word "five" and insert the word "seven" in lieu thereof.

On motion of Mr. Ryan, section one hundred and sixty-four, in counties of the forty-fourth class, was amended as follows: In line fifteen strike out the word "three" and insert the word "four" in lieu thereof.

On motion of Mr. Chandler, section one hundred and sixty-four, in counties of the thirty-eighth class, was amended as follows: In line nine, by striking out the word "three," and inserting in lieu thereof the word "five;" in line ten, by striking out the word "six," and inserting in lieu thereof the word "eight;" in line thirteen, by striking out the words "three hundred dollars per annum," and inserting in lieu thereof "such fees as are now or hereafter may be allowed by

law;" in line fourteen, by striking out the words "seven," and "and fifty," and insert in lieu thereof the word "eight" in place of "seven" (so that it will read "eight hundred dollars"); also, by striking out all of lines eighteen and nineteen, and inserting in lieu thereof the following: "Supervisors, five dollars per day for each day while in session, and twenty cents per mile in traveling from his residence to the county seat; *provided*, that such per diem and mileage shall not exceed the sum of three hundred and fifty dollars per annum."

Pending the consideration of further amendments to this bill, the hour arrived, and the President declared a recess.

#### REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Chandler, Cox, Cronan, Cross, Del Valle, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Murphy, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, and Wallis.

Quorum present.

Assembly Bill No. 448—Second reading resumed.

On motion of Mr. Kelley of Solano, section one hundred and sixty-four was amended, as follows: On page fifty-four, by inserting in line four, between the words "three thousand" and "dollars," the words "five hundred;" in line seven, by striking out the word "eight," and inserting the words "one thousand five" in lieu thereof; in line ten, by striking out the words "two thousand four hundred," and inserting the words "three thousand" in lieu thereof; in line eleven, by inserting after the words "two thousand" the words "five hundred;" in line twenty-one, by striking out the word "ten," and inserting in lieu thereof the word "thirty."

On motion of Mr. Knight, section one hundred and sixty-four was amended, as follows: On page fifty-two, line five, by inserting after the word "thousand" the words "five hundred."

On motion of Mr. Taylor, section one hundred and sixty-four was amended, as follows: On page sixty-six, in counties of the thirty-ninth class, by striking out lines four and five, and inserting in lieu thereof the following:

1. The County Clerk, eight hundred dollars per annum.
2. The Sheriff, three thousand dollars per annum.
3. The Recorder, six hundred dollars per annum.
4. The Auditor, four hundred dollars per annum.
5. The Treasurer, eight hundred dollars per annum.
6. The Tax Collector, one thousand dollars per annum.
7. The Assessor, one thousand two hundred dollars per annum.
8. The District Attorney, one thousand dollars per annum.
9. The Coroner, such fees as are now or hereafter may be fixed by law.
10. The Public Administrator, such fees as are now or hereafter may be fixed by law.
11. The Superintendent of Schools, seven hundred dollars per annum.
12. The Surveyor, such fees as are now or hereafter may be allowed by law.
13. Justices of the Peace, such fees as are now or hereafter may be allowed by law.
14. Constables, such fees as are now or hereafter may be allowed by law.
15. Supervisors, two hundred and fifty dollars per annum, and mileage at the rate of twenty cents per mile from place of residence to county seat, at each sitting of the Board.

Mr. Cross moved to take up Assembly Bill No. 327 out of order.  
Carried.



Assembly Bill No. 327—An Act to repeal an Act entitled "An Act to amend an Act entitled an Act to regulate the practice of pharmacy in the City and County of San Francisco," passed March 28, 1872, and passed by the State Legislature February 3, 1876.

Read first time.

Mr. Cross moved to suspend the provisions of section fifteen, of article four, of the Constitution, requiring bills to be read on three several days, that Assembly Bill No. 327 be declared a case of urgency, and placed upon its passage.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Brooks, Chandler, Cox, Cronan, Cross, Del Valle, English, Fileher, Foster, Fraser, Johnson, Kellogg, Lynch, McCarthy, McClure, Murphy, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Sullivan, Vrooman, Wallis, Whitney, and Wolfskill—27.

NOES—Messrs. Buck, Dougherty, Harrigan, Keating, Kelly of San Francisco, Maddox, Nelson, Spence of Stanislaus, and Taylor—9.

So ordered.

Rules further suspended, and Assembly Bill No. 327 considered read the second time.

Assembly Bill No. 327 read third time, and passed by the following vote:

AYES—Messrs. Brooks, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Fileher, Foster, Fraser, Johnson, Kellogg, Lynch, Maddox, McCarthy, McClure, Murphy, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—30.

NOES—Messrs. Buck, Harrigan, Keating, Kelly of San Francisco, and Perry—5.

Title read and approved.

Mr. Dougherty gave notice that, on the following day, he should move for a reconsideration of the vote whereby Assembly Bill No. 327 was passed.

Assembly Bill No. 448 resumed.

Mr. Taylor moved to amend, by inserting between lines fifty-four and fifty-five, on page forty-one, the following: "Counties having a population of nine thousand four hundred and eighty, and under nine thousand five hundred, shall belong to and be known as counties of the twenty-fourth class."

After debate, the ayes and noes were demanded on the amendment, by Senators Spencer of Napa, Cox, and Kelley of Solano.

Roll called, and the amendment lost by the following vote:

AYES—Messrs. Brooks, Chandler, Cox, Fileher, Kelly of San Francisco, Kelley of Solano, Lynch, Routier, Spence of Stanislaus, Taylor, Vrooman, and Wallis—12.

NOES—Messrs. Buck, Del Valle, Dougherty, Foster, Fraser, Harrigan, Johnson, Kellogg, Knight, Maddox, Ryan, Spence of Napa, Sullivan, and Whitney—14.

On motion of Mr. Brooks, section one hundred and sixty-four was amended as follows: On page fifty-eight, subdivision one, in line four, by striking out the words "twenty-four hundred," and inserting in lieu thereof the words "three thousand."

On motion of Mr. Maddox, section one hundred and sixty-four was amended, as follows: On page forty-three, in third class, by inserting between lines five and six the words "provided, that he shall receive as additional compensation, the mileage collected by him in criminal cases, where the same is not a charge against his own county."

On motion of Mr. Vrooman, section one hundred and sixty-five was amended, as follows: On page twenty, by striking out all after the word "taxes," in line seven, down to and including the word "commission," in line nine.

On motion of Mr. Ryan, section one hundred and sixty-five was amended, by adding thereto the following: "And all expenses necessarily incurred in conveying prisoners to and from the State Prison, and insane persons to and from the Insane Asylums, which shall be allowed by the Board of Examiners, and collected from the State."

On motion of Mr. Taylor, section one hundred and sixty-five was amended, by striking out the comma after the word "criminals," and the word "for," in line ten.

Mr. Vrooman moved to amend section one hundred and sixty-five, by striking out the words commencing with the word "and," in line eleven, to and including the word "jail," in line twelve.

After debate, the ayes and noes were demanded on the amendment by Senators Vrooman, Taylor, and Whitney.

Roll called, with the following result:

AYES—Messrs. Cronan, Dougherty, English, Harrigan, Keating, Kelley of Solano, Kellogg, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Taylor, Vrooman, and Whitney—16.

NOES—Messrs. Chandler, Cox, Cross, Del Valle, Filcher, Foster, Fraser, Johnson, Kelly of San Francisco, Knight, Reynolds, Routier, Spencer of Napa, Spencer of Stanislaus, Sullivan, and Wolfskill—16.

Whereupon the President announced that it became his constitutional duty to cast the deciding vote, and he directed the Secretary to record his vote "no."

Amendment lost.

On motion of Mr. Taylor, section one hundred and sixty-five was amended by inserting after the word "jail," in line eleven, the following: "*provided*, that the Board of Supervisors shall fix the price at which such prisoners shall be boarded."

On motion of Mr. Taylor, section one hundred and sixty-eight was amended, by adding after the word "book," in line twelve, the following: "And that the foregoing statement thereof is true and correct."

On motion of Mr. Filcher, section one hundred and eighty-three was amended, by striking out the contents of lines five and six.

## REPORTS OF COMMITTEES—(OUT OF ORDER).

### ON MILITARY AFFAIRS.

SENATE CHAMBER, SACRAMENTO, March 8, 1883.

MR. PRESIDENT: Your Committee on Military Affairs recommend the adoption of the following resolution, the amount contained being the sum due for mileage while your committee was in the service of this State:

*Resolved*, That the sum of fifty dollars and forty-one cents is hereby allowed for mileage due the members of the Committee on Military Affairs, and the Controller of State is hereby directed to draw his warrant on the Treasurer for said sum in favor of T. McCarthy, Chairman of the committee.

McCARTHY, Chairman.

Adopted.

### ON ENGROSSED BILLS.

SENATE CHAMBER, March 9, 1883.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred Senate Bill No. 358, have examined the same, and find it properly engrossed.

NELSON, Chairman.

## ON ENROLLED BILLS.

SENATE CHAMBER, SACRAMENTO, March 9, 1883.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bills Nos. 181, 160, 49, and 285, and that the same have been placed in the hands of the Governor.

HARRIGAN, Chairman.

## ON COUNTIES, COUNTY GOVERNMENTS, AND TOWNSHIP ORGANIZATION.

MR. PRESIDENT: The Committee on Counties, County Governments, and Township Organization, having had Senate Bill No. 44—An Act to establish a uniform system of county governments, and for that purpose to repeal title two, part four, of the Political Code, and substitute a new title two, part four, therefor—under consideration, report it back without recommendation.

Also, Senate Bill No. 134—An Act to establish a uniform system of county governments.

Also, Senate Bill No. 217—An Act to establish a uniform system of county governments, and for that purpose to repeal title two, part four, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and substitute a new title two, of said part four, therefor.

Also, Senate Bill No. 200—An Act to provide for the formation of new counties.

Also, Senate Bill No. 19—An Act to regulate fees of Clerks of Superior Courts in the State of California.

Also, Senate Bill No. 92—An Act to regulate and improve the civil service of the State of California, and the counties and cities and counties thereof.

Also, Senate Bill No. 152—An Act to repeal an Act entitled an Act amendatory of and supplementary to "An Act entitled an Act to regulate fees of office and salaries of certain officers in the County of San Luis Obispo," approved March 29, 1870, approved April 3, 1876.

Also, Assembly Concurrent Resolution No. 38—Relative to directing the State Engineer to prepare a correct description of the boundaries of all the counties of the State of California.

Having had the same under consideration, report them back, without recommendation, except that we recommend Assembly Bill No. 448—An Act to establish a uniform system of county and township governments—as a substitute for Senate Bill No. 134.

DENNIS SPENCER, Chairman.

Assembly Bill No. 448 resumed.

On motion of Mr. Cross, section one hundred and eighty-six was stricken out of the bill.

On motion of Mr. McClure, section twenty-six, subdivision twenty-four, was amended as follows: By striking out the words "when they shall deem it necessary," in lines one hundred and seventy-three and one hundred and seventy-four, page eleven.

On motion of Mr. Del Valle, section twenty-six was amended by adding a new subdivision, as follows:

36. To provide for the appointment of an Assistant District Attorney, if in their judgment it may be necessary for the proper discharge of the duties of the District Attorney, and to allow such Assistant District Attorney compensation for his services as they may determine, not to exceed the sum of fifteen hundred dollars per annum.

On motion of Mr. Johnson, section forty-two was amended, by adding at the close of the section the following:

If in case of any claim which requires itemizing the Board do not hear or consider the same because it is not itemized, they shall cause notice to be given to the claimant or his attorney of that fact, and give time to have the claim itemized and reverified.

Mr. Taylor moved to amend section one hundred and sixty-four, on page fifty-seven, by substituting in line four the word "twelve" for the word "eighteen;" in line six, the words "one thousand" for the words "twelve hundred;" in line seven, the word "eight" for the word "twelve;" in line eight, the words "twelve hundred" for the words "one thousand."

Amendments lost.

On motion of Mr. Brooks, section one hundred and sixty-four, in counties of the twenty-third class, was amended as follows: Amend on page fifty-seven, line eleven, subdivision eight, insert "fifteen

hundred" instead of "twelve hundred." Also, amend as follows: Amend page fifty-seven, line fourteen, subdivision eleven, insert "fifteen hundred" instead of "twelve hundred." Also, amend as follows: On page fifty-seven, line thirteen, strike out the word "two," and insert the word "five" in lieu thereof.

On motion of Mr. Vrooman, the following amendment was adopted: Amend section twenty-one, page five, by striking out subdivision four, and insert in lieu thereof the following:

Immediately after the adjournment of each meeting of the Board, prepare and certify duplicate lists of all claims allowed and orders made for the payment of money, giving the name of the claimant or payee named in the claim or order, the amount and date of each claim or order, and the date of the allowance thereof, which said lists shall be countersigned by the Chairman of the Board, and thereafter said Clerk shall deliver to and leave with the Auditor one of said lists, and shall deliver to and leave with the Treasurer the other list.

On motion of Mr. Whitney, section twenty-six was amended, by inserting in line one hundred and seventy-three, page eleven, after the word "county," the following: "Showing in detail the expenditures authorized during the preceding six months."

Mr. Taylor moved to amend section fourteen, by adding at the end the following:

*Provided*, in consolidated city and county governments of more than one hundred thousand population, there shall be two Boards of Supervisors or houses of legislation, one of which, to consist of twelve persons, to be denominated and known as the First Board of Supervisors, shall be elected by general ticket from such city and county at large, and shall hold office for the term of four years, but shall so classify themselves by lot or otherwise, that after the first election six shall hold only for two years, and thereafter six shall be elected every two years; the other Board, to be denominated and known as the Assistant Board of Supervisors, to consist of twelve persons, shall be elected by general ticket from such city and county at large every two years, and shall hold office for the term of two years.

Lost.

Amendments of the committee to the bill adopted, and the bill as amended ordered engrossed and to a third reading.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Cross:

*Resolved*, That the State Printer be requested by the Secretary of the Senate to print Assembly Bill No. 448 as amended, immediately, in preference to all other work in his office.

Adopted.

On motion of Mr. Sullivan, the special order for two o'clock and thirty minutes p. m. was postponed until Saturday, March tenth, eighteen hundred and eighty-three, immediately after the reading of the Journal.

On motion of Mr. Spencer of Napa, the rules were suspended, and Assembly Bill No. 448 was considered engrossed, and ordered printed.

#### ADJOURNMENT.

At six o'clock and twelve minutes p. m., Mr. Maddox moved to adjourn.

Ayes and noes demanded by Senators Maddox, Taylor, and Cox. Roll called, and the motion carried by the following vote:

AYES—Messrs. Brooks, Buck, Cox, Cronan, Cross, Del Valle, Dougherty, Filcher, Fraser, Harrigan, Keating, Kellogg, Maddox, McCarthy, McClure, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, Vrooman, and Wallis—24.



NOES—Messrs. Baldwin, Chandler, Foster, Johnson, Kelly of San Francisco, Knight, Lynch, Murphy, Nelson, Reddy, Sullivan, Whitney, and Wolfskill—13.

So ordered.

## IN SENATE.

SENATE CHAMBER,  
Saturday, March 10, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of yesterday partially read, and, on motion of Mr. Fraser, further reading was dispensed with, and the Journal approved.

### RESOLUTION—(OUT OF ORDER).

By Mr. Kellogg:

*Resolved*, That the rules of the Senate be temporarily suspended until the following order of business be transacted, viz.: *First*—Reading of bills on third reading general file; *Second*—Reading of bills on third reading special file; *Third*—Reading of bills on second reading special file; *Fourth*—Reading of bills on first reading special file—after which the special orders of the day shall be taken up.

Mr. Del Valle moved to lay the resolution on the table.

Ayes and noes demanded on the motion, by Senators Kellogg, Baldwin, and Ryan.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Del Valle, Filcher, Kelly of San Francisco, Knight, Lynch, Nelson, Reddy, Reynolds, Spencer of Stanislaus, and Sullivan—10.

NOES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Dougherty, English, Fraser, Harrigan, Johnson, Keating, Kelley of Solano, Kellogg, McCarthy, McClure, Perry, Routier, Ryan, Spencer of Napa, Taylor, Vrooman, Wallis, and Whitney—25.

Mr. Cross moved to amend the resolution, by inserting as the first order of business, "consideration of Assembly Bill No. 129."

Ayes and noes demanded.

Roll called, and the amendment rejected by the following vote:

AYES—Messrs. Cross, Del Valle, English, Filcher, Kelly of San Francisco, Lynch, Nelson, Reddy, Reynolds, Spencer of Stanislaus, and Sullivan—11.

NOES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Dougherty, Fraser, Harrigan, Johnson, Keating, Kelley of Solano, Kellogg, Knight, McCarthy, McClure, Perry, Routier, Ryan, Spencer of Napa, Taylor, Vrooman, Wallis, and Whitney—24.

The question recurring on the adoption of the resolution, the ayes and noes were demanded.

Roll called, and the resolution adopted by the following vote:



AYES—Messrs. Baldwin, Brooks, Buek, Chandler, Cox, Cronan, Cross, Dougherty, English, Fraser, Harrigan, Johnson, Keating, Kelley of Solano, Kellogg, McCarthy, McClure, Perry, Routier, Ryan, Spence of Napa, Taylor, Vrooman, Wallis, and Whitney—25.

NOES—Messrs. Del Valle, Fileher, Kelly of San Francisco, Knight, Lynch, Nelson, Reddy, Reynolds, Spencer of Stanislaus, and Sullivan—10.

## REPORT OF COMMITTEE OF CONFERENCE.

SENATE CHAMBER, SACRAMENTO, March 10, 1883.

MR. PRESIDENT: Your Conference Committee, appointed to consider and report upon the sine die adjournment of the twenty-fifth session of the Legislature, respectfully report that they have met and conferred upon this matter, and have decided to recommend that the Legislature adjourn sine die on Tuesday, the thirteenth day of March, at twelve o'clock, midnight; *provided*, that at that time Assembly Bill No. 448 shall have been finally acted upon.

CROSS, Chairman Senate Committee.

STORKE, Chairman Assembly Committee.

Adopted.

Mr. Lynch moved to reconsider the vote whereby this resolution was adopted.

Ayes and noes demanded on this motion, by Senators Reynolds, Lynch, and Nelson.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Cox, Cronan, Kelly of San Francisco, Maddox, Nelson, Reynolds, Sullivan, and Taylor—8.

NOES—Messrs. Baldwin, Brooks, Buek, Chandler, Cross, Del Valle, Dougherty, English, Fileher, Fraser, Harrigan, Johnson, Keating, Kelley of Solano, Kellogg, Knight, Lynch, McCarthy, McClure, Perry, Reddy, Routier, Ryan, Spence of Napa, Spencer of Stanislaus, Vrooman, Wallis, and Whitney—28.

Mr. Cross moved to take up messages from the Assembly that relate to Senate bills.

Mr. Vrooman moved to amend, by including Assembly Bill No. 334.

Mr. Lynch moved to amend the amendment, by including Assembly Bill No. 71.

After discussion, Mr. Kellogg moved to lay the motion with its amendments on the table.

Ayes and noes demanded on this motion by Senators Lynch, Taylor, and Maddox.

Roll called, and the motion of Mr. Kellogg carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Cronan, Dougherty, Harrigan, Johnson, Keating, Kelley of Solano, Kellogg, Maddox, McCarthy, McClure, Perry, Reddy, Routier, Ryan, Sullivan, Wallis, and Wolfskill—19.

NOES—Messrs. Buck, Chandler, Cox, Cross, Del Valle, Fileher, Fraser, Kelly of San Francisco, Knight, Lynch, Nelson, Reynolds, Spence of Napa, Spencer of Stanislaus, Taylor, Vrooman, and Whitney—17.

So ordered.

## THIRD READING OF BILLS—(GENERAL FILE).

Senate Bill No. 372—An Act to establish a State Board of Silk Culture and to provide moneys for the expenses thereof.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Chandler, Cronan, Cross, Del Valle, Dougherty, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg,

Knight, Maddox, McCarthy, McClure, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Sullivan, Taylor, Wallis, Whitney, and Wolfskill—31.

NOES—Messrs. Buck, Filcher, Lynch, Nelson, and Vrooman—5.

Title read and approved.

Senate Bill No. 235—An Act in relation to the inspection of steam boilers in the State of California.

Read third time, and passed by the following vote:

AYES—Messrs. Buck, Chandler, Cox, Del Valle, Dougherty, English, Filcher, Harrigan, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, McCarthy, McClure, Perry, Reynolds, Routier, Ryan, Sullivan, Vrooman, and Wolfskill—22.

NOES—Messrs. Baldwin, Brooks, Cross, Foster, Fraser, Johnson, Maddox, Nelson, Taylor, and Whitney—10.

Title read and approved.

Senate Bill No. 369—An Act to amend section two thousand one hundred and thirty-seven of an Act to establish a Political Code, approved March 12, 1872, relating to insane asylums.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Chandler, Cox, Cross, Del Valle, Dougherty, English, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Lynch, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Vrooman, Whitney, and Wolfskill—30.

NOES—Messrs. Filcher and Maddox—2.

Title read and approved.

Assembly Bill No. 39—An Act to repeal section five hundred and five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to street railroad corporations.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Chandler, Cox, Cronan, English, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Lynch, McCarthy, McClure, Routier, Ryan, Spencer of Stanislaus, Sullivan, Vrooman, Whitney, and Wolfskill—23.

NOES—Messrs. Maddox and Spencer of Napa—2.

Title read and approved.

Mr. Cross moved to reconsider the vote by which Assembly Bill No. 327 was passed.

Mr. Cross then moved to indefinitely postpone the motion to reconsider.

After debate, the ayes and noes were demanded on the motion to indefinitely postpone, by Senators Brooks, Foster, and Cross.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Brooks, Chandler, Cross, English, Filcher, Foster, Fraser, Johnson, Kelley of Solano, Lynch, McCarthy, McClure, Reynolds, Ryan, Spencer of Stanislaus, and Whitney—16.

NOES—Messrs. Baldwin, Buck, Cronan, Del Valle, Dougherty, Harrigan, Keating, Kelly of San Francisco, Knight, Maddox, Murphy, Nelson, Perry, Routier, Sullivan, Vrooman, Wallis, and Wolfskill—18.

On the motion to reconsider, the ayes and noes were demanded by Senators Perry, Dougherty, and Keating.

Roll called, with the following result:

AYES—Messrs. Baldwin, Buck, Cronan, Del Valle, Dougherty, Harrigan, Keating, Kelly of San Francisco, Knight, Maddox, Murphy, Nelson, Perry, Routier, Sullivan, Vrooman, Wallis, and Wolfskill—18.

NOES—Messrs. Brooks, Chandler, Cross, English, Filcher, Foster, Fraser, Johnson, Kelley of Solano, Lynch, McCarthy, McClure, Reynolds, Ryan, Spencer of Stanislaus, and Whitney—16.

The Chair decided that twenty-one votes were necessary to carry the motion to reconsider, and declared the motion lost.

On motion of Mr. Fileher, the message from the Assembly relating to Senate Bill No. 392 was taken up.

MESSAGE FROM THE ASSEMBLY—(OUT OF ORDER).

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 392—An Act to appropriate money for the contingent expenses of the Senate for the twenty-fifth session of the Legislature.

M. C. HALEY, Chief Clerk.

THIRD READING—(SPECIAL FILE).

Senate Bill No. 358—An Act to appropriate money for the support of aged persons in indigent circumstances.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Cross, Del Valle, English, Foster, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Lynch, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Sullivan, Vrooman, Wallis, Whitney, and Wolfskill—28.

NOES—Messrs. Filcher, Fraser, Kelley of Solano, Knight, Maddox, and Taylor—6.

Title read and approved.

Senate Bill No. 332—An Act to amend section five, article eleven, of the Constitution of the State of California.

Read third time, and passed by the following vote:

AYES—Messrs. Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Fileher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Lynch, Murphy, Reddy, Reynolds, Routier, Ryan, Spencer of Stanislaus, Sullivan, Taylor, Whitney, and Wolfskill—28.

NOES—Messrs. Knight, McCarthy, McClure, Nelson, Perry, Vrooman, and Wallis—7.

Title read and approved.

The hour having arrived, the President declared a recess.

REASSEMBLED.

At two o'clock p. m. the Senate reassembled.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Fileher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

RESOLUTIONS—(OUT OF ORDER).

By Mr. Cronan:

WHEREAS, Lem. Wilson and J. D. Farrell, Porters of the Senate, have, since the day of their appointment, worked fourteen hours each day; and whereas, the provisions of the Constitution declare that eight hours shall constitute a legal day's labor; therefore, be it

*Resolved*, That said Lem. Wilson and J. D. Farrell be allowed the sum of one dollar each per

day from the date of their respective appointments; that the State Controller is hereby authorized to draw his warrant for the sum of sixty dollars in favor of each of said Porters, to be paid out of the Contingent Expense Fund of the Senate.

Referred to the Committee on Contingent Expenses and Mileage.  
By Mr. Cronan:

*Resolved*, That W. E. Maguire, Rear Porter of the Senate, be allowed the sum of twelve dollars, for services as such Rear Porter, for the ninth, tenth, and eleventh days of January, eighteen hundred and eighty-three, and the State Controller is hereby authorized to draw his warrant upon the Contingent Fund of the Senate in favor of said W. E. Maguire for said sum of twelve dollars.

Referred to the Committee on Contingent Expenses and Mileage.  
By Mr. Brooks:

*Resolved*, That T. McGann, Mail Carrier of the Senate, be and he is hereby allowed one dollar per day for extra work from the commencement of the session for cartage of the mail to and from the Post Office and the Senate Chamber, and the Controller of State is hereby authorized and directed to draw his warrant for the same, payable out of the Contingent Fund of the Senate.

Referred to Committee on Contingent Expenses and Mileage.  
By Mr. Kelley of Solano:

A semi-concurrent resolution, distributing one thousand dollars each to several survivors of an "Indian war" in eighteen hundred and fifty.

Referred to Committee on Claims.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

##### ON JUDICIARY.

SENATE CHAMBER, SACRAMENTO, March 10, 1883.

MR. PRESIDENT: Your Committee on Judiciary have had under consideration the petition of Mrs. E. P. W. Packard, petitioning for the passage of a law to be known as the Identity Act, and now report the same back to the Senate, and recommend that it be printed for the use of the members.

CROSS, Chairman.

Adopted.

#### THIRD READING—(SPECIAL FILE RESUMED).

Senate Bill No. 342—An Act to amend sections twenty-two, twenty-three, and twenty-four of article twelve of the Constitution of the State of California.

Read third time, and passage refused by the following vote:

AYES—Messrs. Baldwin, Cox, Cross, Del Valle, English, Filcher, Foster, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Whitney, and Wolfskill—15.

NOES—Messrs. Brooks, Chandler, Cronan, Dougherty, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Routier, Ryan, Vrooman, and Wallis—22.

Mr. Johnson gave notice that, on Monday next, he should move for a reconsideration of the vote whereby Senate Bill No. 342 was refused passage.

#### CONSIDERATION OF BILLS—(OUT OF ORDER).

Mr. Wolfskill moved to take up Assembly Bill No. 230.  
Carried.

Assembly Bill No. 230—An Act to authorize the Boards of Supervisors of the several counties of this State to appoint inspectors of apiaries, and provide for their compensation, and defining their duties, and for the further protection of bee culture.

Read first time.

Mr. McClure moved to suspend the provisions of section fifteen of article four of the Constitution, requiring bills to be read on three several days, that Assembly Bill No. 230 be declared a case of urgency, and placed upon its passage.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Knight, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—37.

NOES—Mr. Kellogg—1.

The rules were suspended, and Assembly Bill No. 230 considered read the second time.

Assembly Bill No. 230 read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Murphy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—35.

NOES—None.

Title read and approved.

Mr. Kellogg moved to take up Assembly Bill No. 225 out of order.

Ayes and noes demanded on the motion, by Senators McClure, Vrooman, and Perry.

Roll called, with the following result:

AYES—Messrs. Baldwin, Brooks, Buck, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Lynch, Maddox, McCarthy, Nelson, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Wallis, and Wolfskill—32.

NOES—Messrs. Chandler, McClure, Perry, Vrooman, and Whitney—5.

So ordered.

Assembly Bill No. 225—An Act to amend section one thousand and ninety-seven of an Act to establish a Political Code, approved March 12, 1872.

Read second time, and on motion of Mr. Kellogg, placed on special file for third reading.

On motion of Mr. McClure, Senate Bill No. 90 was withdrawn.

By consent, Mr. Kellogg, the author, was allowed to withdraw Senate Bills Nos. 282 and 190.

Mr. Vrooman moved to take from the table the motion of Mr. Cross, to take up messages from the Assembly relating to Senate bills, with amendments thereto.

Carried.

Mr. Lynch withdrew his motion to amend, by including Assembly Bill No. 71.

The amendment offered by Mr. Vrooman, to include Assembly Bill No. 344, adopted.

Original motion, as amended, carried.



## MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills: Senate Bill No. 68—An Act to appropriate money for the support of the Mining Bureau, and to repeal all Acts and parts of Acts inconsistent therewith.

Also, Senate Bill No. 356—An Act for the appropriation of money for the erection of buildings and improvements, and the purchase of land for the Napa State Asylum for the Insane.

Also, Senate Bill No. 130—An Act appropriating money for the completion of the Branch Normal School building at Los Angeles, and for the improvement of the grounds about the same.

Also, Senate Bill No. 338—An Act to provide for the erection of a building for the insane at the State Asylum at Stockton, and for the improvement of the drainage and water supply thereof.

M. C. HALEY, Chief Clerk.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 3—An Act to establish a State Board of Horticulture, and appropriate moneys for the expenses thereof.

Also, Senate Bill No. 352—An Act to appropriate money for the improvement of the water supply for the Deaf and Dumb and Blind Asylum.

M. C. HALEY, Chief Clerk.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills:

Senate Bill No. 74—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as and numbered section three thousand three hundred and forty-one (division four, part one, title two), relating to damages committed by dogs and other animals to sheep, Angora goats, and Cashmere goats, and for the better protection of the same against the ravages of dogs and other animals.

Also, Senate Bill No. 85—An Act to protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence on conviction of a misdemeanor.

Also, Senate Bill No. 110—An Act to amend section eight hundred and fifty-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the absence of State officers from the State.

Also, Senate Bill No. 2—An Act to prevent the spread of fruit and fruit tree pests and diseases, and to provide for their extirpation.

M. C. HALEY, Chief Clerk.

The above bills ordered to enrollment.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the ninth day of March, passed Assembly Bill No. 334—An Act to authorize the Governor of the State of California to reconvey to the United States a part of the lands heretofore granted the State of California by Act of Congress of July second, eighteen hundred and sixty-two, and listed to the State of California under the Agricultural College grant of one hundred and fifty thousand acres.

M. C. HALEY, Chief Clerk.

On motion of Mr. Vrooman, Assembly Bill No. 334 was placed on file, and ordered read the first time.

Assembly Bill No. 334—An Act to authorize the Governor of the State of California to reconvey to the United States a part of the lands heretofore granted the State of California by Act of Congress of July second, eighteen hundred and sixty-two, and listed to the State of California under the Agricultural College grant of one hundred and fifty thousand acres.

Read first time.

Mr. Vrooman moved to suspend the provisions of section fifteen of article four of the Constitution, requiring bills to be read on three several days, that Assembly Bill No. 344 be declared a case of urgency and placed upon its passage.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, and Whitney—35.  
 NOES—None.

Rules suspended, and Assembly Bill No. 334 considered read the second time.

Assembly Bill No. 334 read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reynolds, Routier, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, and Whitney—35.

Title read and approved.

#### MESSAGES FROM THE ASSEMBLY—(CONTINUED).

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the eighth day of March, eighteen hundred and eighty-three, had under consideration Senate Bill No. 327—An Act to amend an Act entitled "An Act to provide for the future management of the Napa State Asylum for the Insane," approved March 6, 1876—have amended the same, and now ask the Senate to concur in said amendment.

M. C. HALEY, Chief Clerk.

By G. W. HERBERT, Assistant Clerk.

Mr. Spencer of Napa moved that the Senate do now concur in the amendments of the Assembly to Senate Bill No. 327.

Roll called, with the following result:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—37.

NOES—None.

So ordered.

By consent, Mr. Vrooman was permitted to withdraw Senate Bill No. 140, and Mr. Lynch to withdraw Senate Bill No. 220.

On motion of Mr. McClure, Assembly Bill No. 288 was stricken from the file.

#### SECOND READING—(SPECIAL FILE RESUMED).

Senate Bill No. 391—An Act providing for submitting to a vote of the qualified electors of a county, or city and county, a proposal to issue bonds.

Read second time.

Mr. Sullivan moved to suspend the provisions of section fifteen of article five of the Constitution, requiring bills to be read on three several days, that Senate Bill No. 391 be declared a case of urgency, and placed on its passage.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, McCarthy, McClure, Perry, Routier, Ryan, Sullivan, Taylor, Vrooman, and Wallis—27.

NOES—Messrs. Cross, Del Valle, Lynch, Maddox, Murphy, Nelson, Reynolds, and Spencer of Stanislaus—8.

Senate Bill No. 391—Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kellogg, Knight, Lynch, McCarthy, McClure, Perry, Routier, Ryan, and Sullivan—24.

NOES—Messrs. Cross, Kelly of San Francisco, Maddox, Murphy, Nelson, Reynolds, Spencer of Stanislaus, Taylor, and Wallis—9.

Title read and approved.

Mr. Lynch gave notice that, on the following day, he should move for a reconsideration of the vote whereby Senate Bill No. 391 was passed.

On motion of Mr. Perry, Senate Bill No. 117 was ordered at the head of third reading special file for the following day.

Assembly Bill No. 503—An Act to authorize the Common Council, Board of Trustees, or other governing body of any incorporated city or town, to re-fund its indebtedness, to issue bonds therefor, and provide for payment of the same.

Read second time, and ordered to a third reading.

Assembly Bill No. 462—An Act to authorize cities to erect and maintain drawbridges across navigable streams that flow through or penetrate the boundaries of such cities.

Read second time, and ordered to a third reading.

#### RESOLUTION—(OUT OF ORDER).

By Mr. Foster:

MR. PRESIDENT: Your Committee on State Prisons and Prison Buildings beg leave to report the following resolution, and recommend its adoption:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant for the sum of twenty-two dollars, payable out of the Contingent Fund of the Senate, in favor of Mr. Foster, Chairman of the committee, the same being the amount due from the Senate, for the payment of mileage in the matter of the investigation of the Branch State Prison at Folsom, by Senators Foster, Kelly, Dougherty, Nelson, and Routier.

Referred to Committee on Contingent Expenses and Mileage.

#### FIRST READING—(SPECIAL FILE).

Senate Bill No. 321—An Act to appropriate the sum of three thousand dollars for the purpose of paying the rent of "The Hastings College of Law, San Francisco."

Read first time, and placed on file for second reading.

Assembly Bill No. 183—An Act to make an appropriation to pay a deficiency in the appropriation for the thirty-third and thirty-fourth fiscal years.

Read first time, and placed on file for second reading.

Assembly Bill No. 477—An Act to provide for the erection of a wall at the State Prison at Folsom. (Introduced on behalf of committee.)

Read first time, and placed on file for second reading.

#### SPECIAL ORDER.

Assembly Bill No. 129—An Act to divide the State of California into Congressional Districts.

Read second time.

Mr. Filcher moved to amend, by substituting for section one and all succeeding sections the following:

SECTION 1. For the purpose of electing Representatives to the Congress of the United States the State is hereby divided into six Congressional Districts, as follows:

SEC. 2. The Counties of Modoc, Siskiyou, Del Norte, Humboldt, Trinity, Shasta, Lassen, Plumas, Tehama, Mendocino, Lake, Colusa, Butte, Sierra, and Nevada shall constitute the First Congressional District.

SEC. 3. The Counties of Yuba, Sutter, Sacramento, Yolo, Solano, Contra Costa, Napa, Sonoma, and Marin shall constitute the Second Congressional District.

SEC. 4. All that portion of the City and County of San Francisco described as follows: Bounded by a line commencing at the southwest corner of Marin County; continuing thence along the south boundary of Marin County to the northeast corner of San Francisco County; thence southerly along the boundary of San Francisco County to a point due east of the eastern terminus of Pacific Street; thence westerly through the center of Pacific Street to the center of Stockton Street; thence along the center of Stockton Street to the center of Market Street; thence to Fourth Street; thence along the center of Fourth Street to the center of Bryant Street; thence along the center of Bryant Street to the center of Seventh Street; thence along the center of Seventh Street to the center of Center Street; thence along the center of Center Street to Mississippi Street; thence along the center of Mississippi Street to the center of Napa Street; thence along the center of Napa and Twentieth Streets to the center of Guerrero Street; thence along the center of Guerrero Street to the center of Eighteenth Street; thence along the center of Eighteenth Street and westerly to the eastern terminus of K Street; thence along the center of K Street to the waters of the Pacific Ocean; thence west to the western boundary line of San Francisco County; thence northerly along said boundary line to the place of beginning, together with the Farallone Islands, shall constitute the Third Congressional District.

SEC. 5. The County of Alameda and all that portion of the City and County of San Francisco described as follows: Bounded by a line commencing at the northeast corner of San Mateo County, continuing thence westerly along the south boundary of San Francisco County to the southwest corner of San Francisco County; thence northerly along the western boundary of San Francisco County to a point due west of the western terminus of K Street; thence easterly through the center of K and Eighteenth Streets to the center of Guerrero Street; thence along the center of Guerrero Street to the center of Twentieth Street; thence along the center of Twentieth and Napa Streets to the center of Mississippi Street; thence along the center of Mississippi Street to the center of Center Street; thence along the center of Center Street to the center of Seventh Street; thence along the center of Seventh Street to the center of Bryant Street; thence along the center of Bryant Street to the center of Fourth Street; thence along the center of Fourth Street to the center of Market Street; thence along the center of Market Street to Stockton Street; thence along the center of Stockton Street to the center of Pacific Street; thence along the center of Pacific Street to the waters of the San Francisco Bay; thence due east to the boundary line between San Francisco and Alameda Counties; thence southerly to the place of beginning, shall constitute the Fourth Congressional District.

SEC. 6. The Counties of Placer, El Dorado, Amador, Calaveras, San Joaquin, Tuolumne, Mariposa, Merced, Stanislaus, Santa Clara, and San Mateo, shall constitute the Fifth Congressional District.

SEC. 7. The Counties of Mono, Alpine, Fresno, San Benito, Santa Cruz, Monterey, San Luis Obispo, Tulare, Inyo, Kern, Santa Barbara, Ventura, Los Angeles, San Bernardino, and San Diego, shall constitute the Sixth Congressional District.

SEC. 8. All Acts or parts of Acts in conflict with this Act are hereby repealed.

SEC. 9. This Act shall take effect immediately.

After debate on the adoption of the substitute, Mr. Brooks moved to postpone further consideration of this bill until one o'clock and thirty minutes p. m. on Monday, March twelfth, eighteen hundred and eighty-three.

Lost.

Mr. Taylor moved that the Senate take a recess to seven o'clock and thirty minutes p. m.

Ayes and noes demanded on the motion by Senators English, Lynch, and Reynolds.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Buck, Del Valle, English, Foster, Johnson, Kelly of San Francisco, Lynch, Maddox, Murphy, Nelson, Reynolds, Sullivan, Taylor, and Wolfskill—14.

NOES—Messrs. Chandler, Cronan, Cross, Dougherty, Filcher, Fraser, Kelley of Solano, Kellogg, Knight, McCarthy, McClure, Perry, Routier, Ryan, Spencer of Stanislaus, Wallis, and Whitney—17.



On the adoption of the substitute, the ayes and noes were demanded by Senators Kellogg, Routier, and Fraser.

Roll called, and the substitute adopted by the following vote:

AYES—Messrs. Chandler, Cox, Cronan, Cross, Del Valle, Filcher, Fraser, Kelley of Solano, Kellogg, Knight, McCarthy, McClure, Perry, Reynolds, Routier, Ryan, Taylor, Wallis, and Whitney—19.

NOES—Messrs. Buck, Dougherty, English, Foster, Harrigan, Johnson, Kelly of San Francisco, Lynch, Maddox, Murphy, Nelson, Spencer of Stanislaus, Sullivan, and Wolfskill—14.

Mr. Del Valle moved to reconsider the vote whereby this substitute was adopted.

Mr. Kellogg moved to indefinitely postpone the question to reconsider.

Ayes and noes demanded.

Roll called, and the motion to indefinitely postpone lost by the following vote:

AYES—Messrs. Chandler, Cox, Cross, Filcher, Fraser, Kelley of Solano, Kellogg, Knight, McCarthy, McClure, Perry, Reynolds, Routier, Ryan, Taylor, and Wallis—16.

NOES—Messrs. Buck, Cronan, Del Valle, Dougherty, English, Foster, Harrigan, Johnson, Kelly of San Francisco, Lynch, Maddox, Murphy, Nelson, Spencer of Napa, Spencer of Stanislaus, Sullivan, Whitney, and Wolfskill—18.

On the question of reconsidering the vote by which the substitute was adopted, the ayes and noes were demanded by Senators Murphy, Kelly of San Francisco, and Kellogg.

Roll called, and the motion to reconsider carried by the following vote:

AYES—Messrs. Brooks, Buck, Del Valle, Dougherty, English, Foster, Harrigan, Johnson, Kelly of San Francisco, Lynch, Maddox, Murphy, Nelson, Spencer of Napa, Spencer of Stanislaus, Sullivan, Whitney, and Wolfskill—18.

NOES—Messrs. Chandler, Cox, Cronan, Cross, Filcher, Fraser, Kelley of Solano, Kellogg, Knight, McCarthy, McClure, Perry, Reynolds, Routier, Ryan, Taylor, and Wallis—17.

At five o'clock and forty minutes p. m., on motion of Mr. Lynch, the Senate took a recess until seven o'clock and thirty minutes p. m.

#### REASSEMBLED.

At seven o'clock and thirty minutes p. m., the Senate reassembled. President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Buck, Chandler, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Fraser, Harrigan, Johnson, Keating, Kelley of Solano, Knight, Lynch, McCarthy, McClure, Perry, Reynolds, Routier, Ryan, Spencer of Stanislaus, Sullivan, Taylor, Wallis, and Whitney.

Quorum present.

Assembly Bill No. 129 under consideration.

The question recurring again on the adoption of the amendment offered by Mr. Filcher, the ayes and noes were demanded by Senators Routier, Wallis, and Fraser.

Roll called, and the amendment adopted by the following vote:

AYES—Messrs. Chandler, Cross, English, Filcher, Fraser, Kelley of Solano, Knight, McCarthy, McClure, Perry, Routier, Ryan, Taylor, and Wallis—14.

NOES—Messrs. Buck, Del Valle, Dougherty, Harrigan, Johnson, Kelly of San Francisco, Lynch, Reynolds, Spencer of Stanislaus, Sullivan, and Whitney—11.

PAIRED—Messrs. Keating and Vrooman.

Mr. English moved to adjourn.

Lost.



Assembly Bill No. 129, as amended, ordered engrossed, and to a third reading.

THIRD READING—(SPECIAL FILE).

Assembly Bill No. 448—An Act to establish a uniform system of county governments. (Introduced on behalf of the Committee on County and Township Governments.)

Third reading commenced.

At eight o'clock and forty-five minutes P. M., Mr. Kellogg moved to adjourn.

Ayes and noes demanded, roll called, and the motion lost by the following vote:

AYES—Messrs. Buck, Cronan, Dougherty, Harrigan, Keating, Kellogg, McClure, Routier, Spencer of Stanislaus, Taylor, and Wallis—11.

NOES—Messrs. Chandler, Cox, Cross, Del Valle, English, Filcher, Foster, Fraser, Johnson, Kelly of San Francisco, Kelley of Solano, Knight, Lynch, Maddox, Murphy, Nelson, Perry, Reynolds, Ryan, Spencer of Napa, Sullivan, Whitney, and Wolfskill—23.

Reading resumed.

At eight o'clock and fifty-five minutes P. M., Mr. Taylor moved to adjourn.

Ayes and noes demanded on the motion by Senators Taylor, Cronan, and English.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Cronan, Dougherty, Harrigan, Keating, Kellogg, McCarthy, McClure, Perry, Routier, Taylor, and Wallis—11.

NOES—Messrs. Buck, Chandler, Cox, Cross, Del Valle, English, Filcher, Foster, Fraser, Johnson, Kelly of San Francisco, Kelley of Solano, Knight, Lynch, Maddox, Murphy, Nelson, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Whitney, and Wolfskill—24.

Reading resumed.

Mr. Kellogg moved to suspend the further reading of this bill, and that the Senate take up messages from the Assembly.

After discussion, Mr. Kellogg withdrew the motion.

Reading resumed.

At nine o'clock and twenty-five minutes P. M., Mr. Taylor moved to adjourn to Monday, March twelfth, eighteen hundred and eighty-three, at ten o'clock A. M.

After debate, the ayes and noes were demanded on this motion by Senators Taylor, Lynch, and Dougherty.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Buck, Dougherty, Harrigan, Keating, Kellogg, McCarthy, Taylor, and Wallis—8.

NOES—Messrs. Chandler, Cox, Cross, Del Valle, English, Filcher, Foster, Fraser, Johnson, Kelly of San Francisco, Kelley of Solano, Knight, Lynch, Maddox, McClure, Murphy, Nelson, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Whitney, and Wolfskill—25.

Reading resumed and completed.

Mr. Taylor moved to recommit the bill to the Chairman of the Committee on Counties, County Governments, and Township Organization, with instructions to amend as follows, and report forthwith: On page forty-two, line fifty-six, strike out the word "three" and insert in lieu thereof the word "five." In line fifty-eight strike out the word "one" and insert in lieu thereof the word "four." Also, in same line, to insert the words "eighty-five" between

the words "and" and "under." In line fifty-nine strike out the word "three," and insert in lieu thereof the word "five." On page forty-three, line sixty-two, insert the words "and eighty-five" after the word "hundred." Also, insert between lines sixty-two and sixty-three the following:

Counties having a population of nine thousand one hundred and under nine thousand three hundred, shall belong to and be known as counties of the twenty-seventh class. Counties having a population of nine thousand and under nine thousand one hundred, shall belong to and be known as counties of the twenty-eighth class.

Insert on page fifty-nine, after line nineteen, the following:

In counties of the twenty-fifth class, the county and township officers shall receive as compensation for the services required of them by law, or by virtue of their offices, respectively, the same salaries, fees, mileage, per diem, and expenses as are now allowed or that may hereafter be allowed them by law.

In counties of the twenty-sixth class, the county officers shall receive as compensation for the services required of them by law, or by virtue of their offices, the following salaries, to wit:

1. The County Clerk, one thousand eight hundred dollars per annum.
2. The Sheriff, six thousand dollars per annum.
3. The Recorder, one thousand eight hundred dollars per annum.
4. The Auditor, one thousand two hundred dollars per annum.
5. The Treasurer, one thousand two hundred dollars per annum.
6. The Tax Collector, one thousand two hundred dollars per annum.
7. The Assessor, two thousand five hundred dollars per annum.
8. The District Attorney, one thousand five hundred dollars per annum.
9. The Coroner, such fees as are now or hereafter may be allowed by law.
10. The Public Administrator, five hundred dollars per annum.
11. The Superintendent of Schools, one thousand five hundred dollars per annum.
12. The Surveyor, such fees as are now or may be hereafter allowed by law.
13. Justices of the Peace, such fees as are now or may be hereafter allowed by law.
14. Constables, such fees as are now or may be hereafter allowed by law.
15. Supervisors, three hundred dollars each per annum, and twenty cents per mile for each mile necessarily traveled in going from their residence to the county seat.

Clauses, sections, and pages to be renumbered in accordance with the above amendments.

#### REPORT OF SPECIAL COMMITTEE.

SENATE CHAMBER, SACRAMENTO, March 10, 1883.

MR. PRESIDENT: The Chairman of the Committee on County and Township Governments, to whom was referred Assembly Bill No. 448, with special instructions to amend, begs leave to report that he has inserted the amendments offered by the Senator from Shasta, in accordance with instructions of the Senate.

DENNIS SPENCER, Chairman.

Mr. Fraser moved to adjourn to Monday, March twelfth, eighteen hundred and eighty-three, at ten o'clock A. M.

Ayes and noes demanded on the motion by Senators Kelly, Cross, and Lynch.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Buek, Cox, Dougherty, English, Fraser, Harrigan, Keating, Kelley of Solano, McCarthy, McClure, Perry, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, and Wallis—16.

NOES—Messrs. Cronan, Cross, Filcher, Foster, Kelly of San Francisco, Knight, Lynch, Murphy, Nelson, Reynolds, Taylor, Whitney, and Wolfskill—13.

This motion requiring a two-thirds majority, was declared lost.

Mr. McClure moved to adjourn.

Ayes and noes demanded by Senators Kelly, Lynch, and Nelson.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Cronan, Dougherty, English, Fraser, Harrigan, Keating, Kelley of Solano, McCarthy, McClure, Perry, Routier, Ryan, Spencer of Napa, and Wallis—14.

NOES—Messrs. Buck, Chandler, Cox, Cross, Filcher, Foster, Kelly of San Francisco, Knight, Lynch, Nelson, Reynolds, Spencer of Stanislaus, Taylor, Whitney, and Wolfskill—15.

Mr. Keating moved a call of the Senate.

Ayes and noes demanded on this motion by Senators McClure, Fraser, and Kelly.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Buck, Cronan, Dougherty, English, Fraser, Harrigan, Keating, Kelley of Solano, Knight, McCarthy, McClure, Perry, Routier, Ryan, and Wallis—15.

NOES—Messrs. Chandler, Cox, Cross, Filcher, Foster, Kelly of San Francisco, Lynch, Murphy, Nelson, Reynolds, Spencer of Napa, Spencer of Stanislaus, Taylor, and Whitney—14.

Mr. English moved to dispense with further proceedings under the call of the Senate.

Lost.

Roll called, and the following Senators answered to their names:

Messrs. Buck, Chandler, Cox, Cronan, Cross, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Keating, Kelly of San Francisco, Kelley of Solano, Knight, Lynch, McCarthy, McClure, Murphy, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, Wallis, Whitney, and Wolfskill.

Mr. Chandler moved that further proceedings under the call be dispensed with.

Lost.

Mr. Murphy moved that further proceedings under the call be dispensed with.

Carried.

At eleven o'clock and thirty minutes P. M., Mr. Filcher moved to adjourn to ten o'clock A. M. Monday, March twelfth, eighteen hundred and eighty-three.

Ayes and noes demanded by Senators Filcher, Fraser, and Kelley of Solano.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Buck, Chandler, Cox, Cross, English, Filcher, Fraser, Harrigan, Keating, McClure, Murphy, Perry, Ryan, Spencer of Napa, Spencer of Stanislaus, Wallis, and Whitney—17.

NOES—Messrs. Cronan, Dougherty, Foster, Kelly of San Francisco, Kelley of Solano, Knight, Lynch, McCarthy, Nelson, Reynolds, Routier, Taylor, and Wolfskill—13.

#### ADJOURNMENT.

At eleven o'clock and thirty-five minutes P. M., Mr. McCarthy moved to adjourn.

Carried.

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#### IN SENATE.

SENATE CHAMBER,  
Monday, March 12, 1883. }

Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of Saturday partially read, and, on motion of Mr. Murphy, further reading of the same dispensed with.

Journal approved.

Mr. Murphy moved to take up Assembly Bill No. 467 out of order.  
Lost.

Mr. Reddy moved to take up Assembly Bill No. 308 out of order.  
Motion withdrawn.

#### SPECIAL FILE.

Assembly Bill No. 448—An Act to establish a uniform system of county governments.

After discussion, roll called, and the bill passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—36.

NOES—Messrs. Vrooman, Wallis, and Whitney—3.

Title read and approved.

On motion of Mr. Murphy, the message from the Assembly relating to Assembly Bill No. 492 was taken up out of order.

#### MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 492—An Act to amend section three thousand seven hundred and thirteen of the Political Code of California, and to provide for the levy of the tax for State purposes for the thirty-fifth and thirty-sixth fiscal years.

M. C. HALEY, Chief Clerk.

Assembly Bill No. 492—Referred to Committee on Finance.

Mr. Reddy moved to take up Assembly Bill No. 308—"An Act in relation to railroads"—out of order.

Ayes and noes demanded on the motion, by Senators Reddy, Sullivan, and Johnson.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Baldwin, Buck, Chandler, Cox, Cross, Del Valle, English, Filcher, Foster, Fraser, Johnson, Langford, Lynch, Maddox, Murphy, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—22.

NOES—Messrs. Brooks, Cronan, Dougherty, Harrigan, Keating, Kelly of San Francisco, Kellogg, McCarthy, McClure, Nelson, Perry, Routier, Ryan, Vrooman, Wallis, and Whitney—16.

Mr. Johnson moved to take up Senate Bill No. 325 out of order.

Ayes and noes demanded on the motion, by Senators Johnson, Reddy, and Wolfskill.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Del Valle, English, Filcher, Foster,

Fraser, Johnson, Kellogg, Langford, Lynch, Maddox, Murphy, Reddy, Reynolds, Speneer of Napa, Speneer of Stanislaus, Sullivan, Taylor, and Wolfskill—23.

NORS—Messrs. Cronan, Cross, Dougherty, Harrigan, Keating, Kelly of San Francisco, Kelley of Solano, Knight, McCarthy, McClure, Nelson, Perry, Routier, Ryan, Vrooman, Wallis, and Whitney—17.

## REPORTS OF COMMITTEES.

### ON ENROLLED BILLS.

SENATE CHAMBER, SACRAMENTO, March 12, 1883.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bills Nos. 130, 85, and 110, and that the same have been placed in the hands of the Governor.

HARRIGAN, Chairman.

### ON CLAIMS.

SENATE CHAMBER, SACRAMENTO, March 12, 1883.

MR. PRESIDENT: Your Committee on Claims, to whom was referred Senate Bill No. 376—"An Act to ascertain the sum due on all claims for work done and materials furnished under the provisions of an Act entitled 'An Act to promote drainage,' approved April 23, 1880, and to appropriate money to pay the same, not exceeding two hundred and seventy-five thousand dollars"—have considered the same, and report it back, recommending its passage.

KELLEY, Chairman.

### ON COMMERCE AND NAVIGATION.

SENATE CHAMBER, SACRAMENTO, March 9, 1883.

MR. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 135—An Act for the preservation of San Francisco and San Pablo Bays—have had the same under consideration, and report the same back without recommendation.

Also, Senate Bill No. 267—An Act amendatory of "An Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream," approved March 26, 1868—without recommendation.

Also, Senate Bill No. 290—An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding two new sections thereto, to be known as sections three thousand four hundred and seventy-seven and three thousand four hundred and seventy-eight, relative to public nuisances—without recommendation.

Also, Senate Bill No. 347—An Act to regulate sailor boarding houses and shipping offices, and to provide for the creation of a Board of Commissioners, and prescribing their powers and duties—without recommendation.

Also, Assembly Joint Memorial and Resolution from the State of Nevada—without recommendation.

LYNCH, Chairman.

### ON CONTINGENT EXPENSES AND MILEAGE.

MR. PRESIDENT: The Committee on Contingent Expenses and Mileage, to whom was referred the following, viz.:

*Resolved*, That Mrs. Mains be and is hereby allowed the sum of thirty dollars for washing towels during session—have had the same under consideration, and return without recommendation.

Resolution adopted.

Also, the following:

*Resolved*, That the Capital Ice and Coal Company be and is hereby allowed the sum of twenty-eight dollars and eighty cents, for ice furnished the Senate Chamber during the twenty-fifth session, as per bill rendered—have had the same under consideration, and recommend that it do pass.

Adopted.

Also, the following:

*Resolved*, That A. Polymath be and is hereby allowed the sum of ten dollars (\$10), for cleaning and repairing one large clock of the Senate—have had the same under consideration, and recommend that it do pass.

MADDOX, Chairman.

Adopted.



## MESSAGES FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 9, 1883. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No. 288—An Act authorizing and empowering the Regents of the University of California to convey certain lands.

Also, Senate Bill No. 121—An Act to repeal an Act entitled "An Act to provide an additional Judge of the Superior Court for the County of Mono," approved April 16, 1880.

Also, Senate Bill No. 49—An Act to provide an industrial department for the Deaf and Dumb and Blind Asylum.

Also, Senate Bill No. 160—An Act making an appropriation of eleven thousand dollars for the protection and improvement of the buildings and grounds of the State University.

Also, Senate Bill No. 181—An Act to amend sections six hundred and twenty-six, six hundred and thirty-one, six hundred and thirty-two, six hundred and thirty-four, and six hundred and thirty-six, and to repeal sections six hundred and twenty-seven, six hundred and twenty-eight, and six hundred and twenty-nine of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the preservation of game and fish.

Also, Senate Bill No. 211—An Act fixing jurisdiction and providing compensation for Justices of the Peace in cities and towns.

Also, Senate Bill No. 285—An Act to amend sections three thousand six hundred and sixty-four, three thousand six hundred and sixty-five, and three thousand seven hundred and thirty-four of, and to add six new sections, to be numbered three thousand six hundred and sixty-six, three thousand six hundred and sixty-seven, three thousand six hundred and sixty-eight, three thousand six hundred and sixty-nine, three thousand six hundred and seventy, and three thousand six hundred and seventy-one to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to repeal a portion of section three thousand six hundred and fifty of said Act, the amendment of the sections, the new sections, and the repeal of portion of section three thousand six hundred and fifty, all relating to revenue, and particularly to the assessment of railways by the State Board of Equalization, and the collection of State and county and city and county taxes due upon such assessment.

GEORGE STONEMAN, Governor.

Also, the following:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 10, 1883. }

*To the honorable the Senate of the State of California :*

I have the honor to inform your honorable body that I have approved Senate Bill No. 392—An Act to appropriate money for the contingent expenses of the Senate for the twenty-fifth session of the Legislature.

GEORGE STONEMAN, Governor.

Also, the following:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 12, 1883. }

*To the honorable the Senate of the State of California :*

MR. PRESIDENT: I have this day appointed Joseph D. Redding, of San Francisco, a Fish Commissioner, vice S. R. Throckmorton, resigned, and I respectfully ask the consent of the Senate to the same.

GEORGE STONEMAN, Governor.

Also, the following:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 12, 1883. }

*To the honorable the Senate of the State of California :*

MR. PRESIDENT: I have, this day, appointed Daniel Brown, of Sacramento, Trustee of the State Burial Ground, vice Charles M. Coglan, not confirmed by the Senate, and I respectfully ask the consent of the Senate to the same.

GEORGE STONEMAN, Governor.

On motion of Mr. Cross, the Senate went into executive session, to consider the Governor's appointments.

Upon the question: "Will the Senate advise and consent to the appointment of Joseph D. Redding, of San Francisco, as Fish Commissioner, vice S. R. Throckmorton, resigned?" the roll was called, with the following result:

AYES—Messrs. Baldwin, Buck, Chandler, Cox, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford,

Maddox, McCarthy, McClure, Perry, Reddy, Reynolds, Routier, Spencer of Napa, Spence of Stanislaus, Sullivan, Whitney, and Wolfskill—29.

NOES—Messrs. Brooks, Cronan, Lynch, and Taylor—4.

Whereupon the President announced the appointment of Joseph D. Redding, as Fish Commissioner, duly confirmed.

Upon the question: "Will the Senate advise and consent to the appointment of Daniel Brown, of Sacramento, as Trustee of the State Burial Ground, vice Charles M. Cogan, not confirmed by the Senate?" the roll was called, with the following result:

AYES—Messrs. Baldwin, Brooks, Buek, Chandler, Cox, Cronan, Cross, Del Valle, English, Fileher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Perry, Reddy, Reynolds, Routier, Spence of Napa, Spence of Stanislaus, Taylor, Wallis, Whitney, and Wolfskill—33.

NOES—None.

Whereupon the President announced the appointment of Daniel Brown, as Trustee of the State Burial Ground, duly confirmed.

On motion of Mr. Del Valle, the Senate arose from executive session.

#### MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bill: Assembly Bill No. 531—An Act to add a new section to the Political Code, relating to furnishing stationery and office supplies to officers and attachés of the Senate and Assembly, to be numbered section two hundred and fifty.

M. C. HALEY, Chief Clerk.  
By G. W. HERRERT, Assistant Clerk.

Assembly Bill No. 351—Placed on file.

ASSEMBLY CHAMBER, SACRAMENTO, March 8, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, appointed the following named Assemblymen: Messrs. Storke, Townsend, and Doty, as a Joint Committee of Conference to meet a similar committee on part of the Senate, to consider Assembly Concurrent Resolution No. 55—Relative to fixing the time at which the twenty-fifth session of the Legislature shall adjourn sine die, and to report the result of such conference to their respective bodies.

M. C. HALEY, Chief Clerk.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 9, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, refused a first reading to Senate Bill No. 120—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as section three thousand eight hundred and seventeen, relating to revenue and the collection of property taxes and redemption from sales therefor.

M. C. HALEY, Chief Clerk.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills:

Assembly Bill No. 532—An Act supplemental to the General Appropriation Bill (Assembly Bill No. 77), to provide a contingent fund for the office of the Controller.

Assembly Bill No. 259—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, numbered four thousand and forty-five, relative to the general permanent powers of Boards of Supervisors and fixing licenses.

Assembly Bill No. 71—An Act to amend sections two thousand four hundred and sixty-five and two thousand four hundred and sixty-six of article six of the Political Code, relating to the pilot regulations for San Francisco, Mare Island, Vallejo, and Benicia.

M. C. HALEY, Chief Clerk.  
By G. W. HERRERT, Assistant Clerk.

Assembly Bills Nos. 532, 259, and 71—Placed on file.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March ninth, passed the following:

Assembly Bill No. 302—An Act to provide for the examination and auditing of all unpaid claims arising under an Act entitled "An Act to promote drainage," approved April 23, 1880, to require County Treasurers to pay over moneys in their hands collected under said Act, and to provide for a pro rata distribution among the claimants of all moneys collected under said Act.

M. C. HALEY, Chief Clerk.  
By G. W. HERRERT, Assistant Clerk.

Assembly Bill No. 302—Placed on file.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in the Senate amendments to Assembly Bill No. 39—An Act to repeal section five hundred and five of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to street railroad corporations.

M. C. HALEY, Chief Clerk.  
By JULIUS REIMER, Assistant Clerk.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 10, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the ninth day of March, passed the following bill:

Senate Bill No. 348—An Act to appropriate money for the construction and completion of roads and trails, and generally to improve and preserve the territory within the limits of the Yosemite Valley and Mariposa Big Tree grant.

M. C. HALEY, Chief Clerk.  
By JULIUS REIMER, Assistant Clerk.

Senate Bill No. 348—Referred to Committee on Enrolled Bills.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 57—Relative to instructing our Representatives in Congress to demand of the President the removal of certain employes at the Mare Island Navy Yard.

M. C. HALEY, Chief Clerk.  
By G. W. HERBERT, Assistant Clerk.

Assembly Concurrent Resolution No. 57—Placed on file.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 12, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bills:

Senate Bill No. 369—An Act to amend section two thousand one hundred and thirty-seven of an Act to establish a Political Code, approved March 12, 1872, relating to insane asylums.

Also, Assembly Bill No. 524—An Act to appropriate money to pay deficiencies for payment of rewards offered by the Governor for the thirty-second fiscal year.

Also, Assembly Bill No. 411—An Act to amend sections three thousand nine hundred and nine and three thousand nine hundred and thirteen of the Political Code, relating to the boundaries of Del Norte and Siskiyou Counties.

M. C. HALEY, Chief Clerk.

#### SPECIAL FILE—(SECOND READING).

Senate Bill No. 321—An Act to appropriate the sum of three thousand dollars, for the purpose of paying the rent of "The Hastings College of Law, San Francisco."

Read second time, ordered engrossed, and to a third reading.

Assembly Bill No. 183—An Act to make an appropriation to pay a

deficiency in the appropriation for the thirty-third and thirty-fourth fiscal years.

Read second time, and ordered to a third reading.

Assembly Bill No. 477—An Act to provide for the erection of a wall at the State Prison at Folsom.

Read second time, and ordered to a third reading.

### THIRD READING.

Assembly Bill No. 129—An Act to divide the State of California into Congressional Districts.

Read third time.

Mr. Del Valle moved to recommit the bill to the Chairman of the Committee on Apportionment and Representation, with instructions to amend as follows:

Amend, by striking out sections two, three, four, five, six, and seven, and insert in lieu thereof the following:

SEC. 2. The Counties of Del Norte, Humboldt, Trinity, Siskiyou, Shasta, Modoc, Lassen, Plumas, Sierra, Tehama, Colusa, Mendocino, Lake, Sonoma, and Napa, shall comprise the First Congressional District.

SEC. 3. The Counties of Butte, Sutter, Yuba, Nevada, Placer, El Dorado, Amador, Calaveras, San Joaquin, Stanislaus, Merced, Tuolumne, and Mariposa, shall comprise the Second Congressional District.

SEC. 4. The Counties of Yolo, Sacramento, Solano, Contra Costa, Marin, and Alameda, shall comprise the Third Congressional District.

SEC. 5. All that portion of the City and County of San Francisco described as follows, to wit: Commencing at the intersection of Bryant Street with the waters of the Bay of San Francisco, continuing thence along the center of Bryant Street to the center of Seventh Street; thence along the center of Seventh Street to the center of Market Street; thence along the center of Market Street to the center of McAllister Street; thence along the center of McAllister Street to the center of Leavenworth Street; thence along the center of Leavenworth Street to the center of Sutter Street; thence along the center of Sutter Street to the center of Hyde Street; thence along the center of Hyde Street to the center of California Street; thence along the center of California Street to its intersection with the east line of the City Cemetery; thence northerly in a direct line to the waters of the Pacific Ocean; thence along the shore in an easterly direction to the place of beginning, together with all the islands within the boundaries of the City and County of San Francisco, shall comprise the Fourth Congressional District.

SEC. 6. All that portion of the City and County of San Francisco not included in the Fourth Congressional District, together with the Counties of San Mateo, Santa Cruz, and Santa Clara, shall comprise the Fifth Congressional District.

SEC. 7. The Counties of San Benito, Monterey, San Luis Obispo, Santa Barbara, Ventura, Kern, Tulare, Fresno, Alpine, Mono, Inyo, San Bernardino, Los Angeles, and San Diego, shall comprise the Sixth Congressional District.

The President ruled that the proposed amendment was in the nature of a new bill, and could not be presented on the third reading.

Mr. Spencer of Napa appealed from the decision of the Chair.

Mr. Spencer of Napa moved a call of the Senate.

Carried.

Roll called, and the following Senators answered to their names:

Messrs. Brooks, Buck, Chandler, Cox, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

On motion, further proceedings under the call of the Senate were dispensed with.

Upon the question: "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded by Senators Filcher, Ryan, and Fraser.



After debate, the roll was called, and the decision of the Chair reversed by the following vote:

**AYES**—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Filcher, Fraser, Johnson, Kelley of Solano, Knight, McClure, Perry, Routier, Ryan, Taylor, Vrooman, and Wallis—17.

**NOES**—Messrs. Buck, Del Valle, Dougherty, English, Foster, Harrigan, Keating, Kelly of San Francisco, Kellogg, Langford, Lynch, Maddox, Murphy, Nelson, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Whitney, and Wolfskill—21.

Mr. Vrooman moved to amend the motion to recommit, by substituting the following instructions: "Amend by striking out sections two, three, four, five, six, and seven, and insert in lieu thereof the following:

SEC. 2. For the purpose of electing Representatives to the Congress of the United States, this State is hereby divided into six Congressional Districts, as follows:

SEC. 3. The Counties of Del Norte, Humboldt, Colusa, Trinity, Siskiyou, Modoc, Shasta, Lassen, Tehama, Plumas, Butte, Yuba, Sierra, Nevada, and Placer, shall compose the First Congressional District.

SEC. 4. The Counties of Napa, Solano, Yolo, Sutter, Sacramento, El Dorado, Amador, Calaveras, Alpine, Tuolumne, Mariposa, Mono, and Inyo, shall compose the Second Congressional District.

SEC. 5. The Counties of Mendocino, Lake, Sonoma, and Marin, and all that portion of the City and County of San Francisco bounded as follows: Beginning at a point where the easterly line of Larkin Street, in said city and county, extended northerly, would intersect the boundary line between said city and county and the County of Marin; running thence southerly to and along said easterly line of Larkin Street to its intersection with the southerly line of Pine Street; thence easterly along said southerly line of Pine Street to its intersection with the northerly line of Market Street; thence southwesterly along said northerly line of Market Street to a point where the westerly line of Eleventh Street extended northerly would intersect said northerly line of Market Street; thence to and along said westerly line of Eleventh Street to its intersection with the westerly line of Folsom Street; thence along said westerly line of Folsom Street to its intersection with the northerly line of Twenty-sixth Street; thence along said northerly line of Twenty-sixth Street to its end, as delineated on the official map of the City and County of San Francisco; thence westerly in a direct line to the northerly line of S Street, and continuing the same course to the westerly line of the City and County of San Francisco; thence meandering northerly and easterly along the westerly and northerly boundary line of said city and county to the place of beginning, and the islands known as the Farallones, shall constitute the Third Congressional District.

SEC. 6. All that portion of the City and County of San Francisco not included in the Third Congressional District shall compose the Fourth Congressional District.

SEC. 7. The Counties of Alameda, Contra Costa, San Joaquin, Stanislaus, Merced, Fresno, San Benito, and Tulare, shall compose the Fifth Congressional District.

SEC. 8. The Counties of Santa Clara, San Mateo, Santa Cruz, Monterey, San Luis Obispo, Kern, Santa Barbara, Ventura, Los Angeles, San Bernardino, and San Diego, shall compose the Sixth Congressional District.

SEC. 9. This Act shall take effect immediately.

Mr. McClure moved that this amendment, and the one proposed by Mr. Del Valle, be printed, and further consideration postponed until Tuesday, March thirteenth, immediately after reading of the Journal.

Ayes and noes demanded on this motion by Senators Vrooman, McClure, and Filcher.

Roll called, and the motion lost by the following vote:

**AYES**—Messrs. Chandler, Cross, Fraser, Kelley of Solano, McClure, Perry, Routier, Ryan, Vrooman, and Whitney—10.

**NOES**—Messrs. Baldwin, Brooks, Buck, Cox, Cronan, Del Valle, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—29.

Upon the question of instructing the Chairman of the committee to insert the amendment of Mr. Vrooman, the ayes and noes were demanded by Senators Vrooman, McClure, and Perry.

Roll called, and the amendment rejected by the following vote:



AYES—Messrs. Chandler, Fraser, Kelley of Solano, McClure, Perry, Routier, Vrooman, and Whitney—8.

NOES—Messrs. Baldwin, Brooks, Buck, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—30.

Upon the adoption of the motion of Mr. Del Valle, the ayes and noes were demanded by Senators Vrooman, McClure, and Perry.

Roll called, and the bill recommitted with instructions by the following vote:

AYES—Messrs. Brooks, Buck, Cronan, Del Valle, Dougherty, English, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Langford, Lynch, Maddox, Murphy, Nelson, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—24.

NOES—Messrs. Baldwin, Chandler, Cox, Cross, Filcher, Fraser, Kelley of Solano, Knight, McCarthy, McClure, Perry, Routier, Ryan, Vrooman, Wallis, and Whitney—16.

So ordered.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

By unanimous consent, Mr. Murphy, Chairman of the Finance Committee, made a verbal report that the committee had had Assembly Bill No. 492 under consideration, and now reported the same back with amendments, and recommend its passage as amended.

On motion of Mr. Murphy, the rules were suspended, and Assembly Bill No. 492 taken up.

Assembly Bill No. 492—An Act to provide for the levy of the tax for State purposes for the thirty-fifth and thirty-sixth fiscal years.

Read first time.

Mr. Cross moved to suspend the provisions of section fifteen of article four of the Constitution, requiring bills to be read on three several days, that Assembly Bill No. 492 be declared a case of urgency, and read second time.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Cross, Dougherty, English, Filcher, Foster, Fraser, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—37.

NOES—None.

Assembly Bill No. 492—Read second time, amendments of the committee adopted, and the bill as amended ordered engrossed, and to a third reading.

#### SPECIAL FILE—(RESUMED).

Senate Bill No. 117—An Act to amend the Constitution.

Mr. Taylor moved to lay Senate Bill No. 117 on the table.

Ayes and noes demanded on the motion by Senators Perry, Taylor, and Routier.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Brooks, Buck, Cox, Del Valle, English, Kelley of Solano, Langford, Lynch, Maddox, Murphy, Reynolds, Spencer of Napa, Taylor, and Whitney—14.

NOES—Messrs. Baldwin, Chandler, Cronan, Cross, Dougherty, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, McCarthy, McClure, Nelson, Perry, Reddy, Routier, Ryan, Sullivan, Vrooman, Wallis, and Wolfskill—26.

Senate Bill No. 117—Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Lynch, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Sullivan, Vrooman, Wallis, and Wolfskill—33.

NOES—Messrs. Filcher, Maddox, Murphy, Spencer of Stanislaus, and Taylor—5.

Title read and approved.

Assembly Bill No. 225—An Act to amend section one thousand and ninety-seven of "An Act to establish a Political Code," approved March 12, 1872.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, Murphy, Nelson, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—33.

NOES—Messrs. Cox, McClure, Perry, Vrooman, Wallis, and Whitney—6.

Title read and approved.

#### REPORT OF COMMITTEE—(OUT OF ORDER).

##### ON APPORTIONMENT.

SENATE CHAMBER, SACRAMENTO, March 12, 1883.

MR. PRESIDENT: The undersigned, Chairman of the Committee on Apportionment, to whom was referred the Substitute for Assembly Bill No. 129—Entitled "An Act to divide the State of California into Congressional Districts"—with special instructions, by striking out sections two, three, four, five, six, and seven, and inserting in lieu thereof certain sections, has attended to that duty, and reports the same back in accordance with said instructions.

SULLIVAN, Chairman.

Mr. Taylor asked leave to withdraw Senate Bill No. 370.  
So ordered.

##### ADJOURNMENT.

At five o'clock and fifty-five minutes P. M., Mr. Maddox moved to adjourn.

Ayes and noes demanded by Senators Cox, Chandler, and Taylor.  
Roll called, and the motion carried by the following vote:

AYES—Messrs. Brooks, Dougherty, English, Fraser, Harrigan, Keating, Kelley of Solano, Kellogg, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Routier, Ryan, Spencer of Stanislaus, Sullivan, Vrooman, and Wallis—20.

NOES—Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Filcher, Foster, Johnson, Kelly of San Francisco, Knight, Langford, Lynch, Reynolds, Spencer of Napa, Taylor, Whitney, and Wolfskill—19.

So ordered.

#### IN SENATE.

SENATE CHAMBER,  
Tuesday, March 13, 1883. }

The Senate met pursuant to adjournment.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

Journal of yesterday read and approved.

Mr. Chandler moved to take up Assembly Bill No. 302 out of order. Ayes and noes demanded on the motion by Senators Reddy, Sullivan, and Del Valle.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Brooks, Chandler, Cox, Cross, Dougherty, Fraser, Keating, Kellogg, McCarthy, McClure, Murphy, Perry, Reynolds, Routier, Taylor, Vrooman, Wallis, and Whitney—18.

NOES—Messrs. Buck, Cronan, Del Valle, Filcher, Foster, Johnson, Kelly of San Francisco, Kelley of Solano, Knight, Langford, Lynch, Reddy, Ryan, Spencer of Napa, Sullivan, and Wolfskill—17.

#### REPORTS OF COMMITTEES.

##### ON ENGROSSMENT.

SENATE CHAMBER, March 13, 1883.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred Assembly Bills Nos. 129 and 492, have examined the same and find them properly engrossed.

NELSON, Chairman.

##### ON ENROLLED BILLS.

SENATE CHAMBER, March 12 1883.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bills Nos. 327, 68, 356, and 74.

HARRIGAN, Chairman.

Mr. Murphy moved to take up Assembly Bill No. 492, out of order. Carried.

Assembly Bill No. 492—An Act to amend section three thousand seven hundred and thirteen of the Political Code of California, and to provide for the levy of the tax for State purposes for the thirty-fifth and thirty-sixth fiscal years.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Filcher, Foster, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, McClure, Murphy, Nelson, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—32.

NOES—None.

Title read and approved.

Mr. Johnson moved to take up Assembly message out of order. Carried.

#### MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twelfth day of March, had under consideration Assembly Bill No. 448—An Act to establish a uniform system of county and township governments, as amended by the Senate—and now report that said amendments have been concurred in with the exception of the following:

The amendment made to the salary of Recorder in the counties of the eighth class.

The amendment made to the salary of Treasurer in the counties of the nineteenth class.

The amendments made to the salary of Sheriff, Treasurer, and Assessor, in counties of the eighteenth class.

The amendment to the salary of Public Administrator in counties of the twenty-fourth class.

The amendment to the salary of Treasurer in counties of the twenty-third class.

The amendment to the salary of District Attorney in counties of the sixth class.

The amendment to section one hundred and sixty-five, which strikes out the following: "Except that the poll taxes collected from persons owning real property within the county he must collect without deducting any commission"—and have made the following clerical correction, by striking out of line thirteen, section one hundred and sixty-five, the word "and;" from all of which amendments the Senate is asked to recede.

Also, passed Assembly Bill No. 278—An Act to define the boundary line between the Counties of Amador and El Dorado.

M. C. HALEY, Chief Clerk.  
By G. W. HERBERT, Assistant Clerk.

Assembly Bill No. 278—Placed on file.

Mr. Spencer of Napa moved to take up the amendments to Assembly Bill No. 448 which were not concurred in seriatim.

Carried.

On motion of Mr. McClure, the Senate adhered to its amendment made to the salary of Recorder in counties of the eighth class.

On motion of Mr. Langford, the amendment made to the salary of Treasurer in counties of the nineteenth class was receded from.

On motion of Mr. Kelley of Solano, the Senate adhered to its amendments made to the salaries of Sheriff, Treasurer, and Assessor in counties of the eighteenth class.

On motion of Mr. Brooks, the Senate adhered to its amendments made to the salary of Public Administrator in counties of the twenty-fourth class.

On motion of Mr. Fraser, the Senate adhered to its amendment made to the salary of Treasurer in counties of the twenty-third class.

On motion of Mr. Vrooman, the Senate adhered to its amendment to the salary of District Attorney in counties of the sixth class.

Mr. Vrooman moved that the Senate adhere to its amendment to section one hundred and sixty-five, which strikes out the following: "Except that the poll taxes collected from persons owning real property within the county, he must collect without deducting any commission."

Ayes and noes demanded on this motion, by Senators Routier, Keating, and English.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Cox, Cronan, Cross, Dougherty, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Knight, Lynch, McCarthy, McClure, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Sullivan, Taylor, Vrooman, Wallis, and Whitney—25.

NOES—Messrs. Brooks, Buck, Chandler, English, Filcher, Fraser, Kellogg, Langford, Maddox, Murphy, Spencer of Stanislaus, and Wolfskill—12.

Mr. Lynch moved that the rules be suspended, and that Assembly Bill No. 71 be taken up.

Ayes and noes demanded by Senators McClure, Vrooman, and Lynch.

The President read the following telegram relative to Assembly Bill No. 71:

SAN FRANCISCO, March 12, 1883.

To Hon. John Duggett, President of the Senate, Sacramento:

SIR: I have been directed by the Board of Supervisors of this city and county to transmit to you by telegraph the following copy of a resolution adopted by said Board at a meeting now being held, with a request that you present to and call the attention of the Senate to the same:

*Resolved*, That the honorable the Senate of the State of California be and are hereby respectfully requested to pass Assembly Bill No. 71, relative to a reduction of the present port charges, without amendment.

JNO. RUSSELL, Clerk.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Cox, Cross, Del Valle, Filcher, Foster, Johnson, Knight, Langford, Lynch, Maddox, Murphy, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Whitney, and Wolfskill—23.

NOES—Messrs. Cronan, Dougherty, Fraser, Harrigan, Keating, Kelly of San Francisco, Kellogg, McCarthy, McClure, Nelson, Perry, Routier, Vrooman, and Wallis—14.

Mr. Lynch moved that Assembly Bill No. 71 be made the special order for this afternoon, immediately after roll-call.

Mr. Taylor moved a call of the Senate.

Ayes and noes were demanded on this motion, by Senators Taylor, Reddy, and Lynch.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Cross, Foster, Johnson, Kelly of San Francisco, Kelley of Solano, Kellogg, Langford, Lynch, Maddox, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—19.

NOES—Messrs. Cronan, Del Valle, Dougherty, Filcher, Fraser, Harrigan, Keating, Knight, McCarthy, McClure, Murphy, Nelson, Perry, Routier, Vrooman, Wallis, and Whitney.—17.

So ordered.

Mr. Del Valle moved that further proceedings under the call be dispensed with.

Carried.

The question recurring on the motion to make Assembly Bill No. 71 a special order, the President decided that a two-thirds vote was required.

Mr. Lynch appealed from the decision of the Chair.

Upon the question: "Shall the decision of the Chair stand as the judgment of the house?" the Chair was unanimously sustained.

Ayes and noes demanded, on the motion of Mr. Lynch, to make Assembly Bill No. 71 a special order, by Senators Lynch, Brooks, and Vrooman.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Cross, Del Valle, Filcher, Foster, Johnson, Kelly of San Francisco, Knight, Langford, Lynch, Maddox, Murphy, Reddy, Reynolds, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Whitney, and Wolfskill—22.

NOES—Messrs. Chandler, Cronan, Dougherty, Fraser, Harrigan, Keating, Kelley of Solano, Kellogg, McCarthy, McClure, Nelson, Perry, Routier, Ryan, Vrooman, and Wallis—15.

Mr. Keating moved that the rules be suspended, and Assembly Bill No. 185 be read second time.

Mr. Filcher moved to lay the motion on the table.

Carried.

Mr. Kellogg moved that the rules be suspended, and Assembly Bill No. 303 be read first time.

Ayes and noes demanded by Senators Chandler, Keating, and Kelley of Solano.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Brooks, Buck, Cox, Cronan, Cross, Dougherty, Foster, Fraser, Harrigan, Kelley of Solano, Kellogg, McCarthy, McClure, Reddy, Spencer of Stanislaus, Taylor, and Vrooman—16.

NOES—Messrs. Baldwin, Chandler, Del Valle, Filcher, Johnson, Keating, Kelley of San Francisco, Knight, Langford, Lynch, Maddox, Murphy, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Sullivan, Wallis, Whitney, and Wolfskill—21.

## REPORTS OF COMMITTEES—(OUT OF ORDER).

### ON ENROLLED BILLS.

SENATE CHAMBER, SACRAMENTO, March 13, 1883.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bills No. 338, No. 369, Substitute for Senate Bill No. 3,



and Substitute for Senate Bill No. 348, and that the same have been placed in the hands of the Governor.

HARRIGAN, Chairman.

Mr. Kelley of Solano offered a report from the Committee on Claims, which the President ruled out of order.

#### ON FEDERAL RELATIONS.

SENATE CHAMBER, SACRAMENTO, March 13, 1883.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred the memorial relating to the boundary line between Nevada and California, have had the same under consideration and recommend that no action be taken thereon.

BALDWIN, Chairman.

#### ON ENGROSSMENT.

SENATE CHAMBER, SACRAMENTO, March 13, 1883.

MR. PRESIDENT: Your Committee on Engrossed Bills, to whom was referred Senate Bill No. 321, have examined the same and find it properly engrossed.

NELSON, Chairman.

#### MESSAGES FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, )  
SACRAMENTO, March 13, 1883. )

*To the honorable the Senate of the State of California:*

MR. PRESIDENT: I herewith return to your honorable body Senate Bill No. 338—"An Act appropriating money for the completion of the Branch State Normal School building at Los Angeles, and for the improvement of the grounds about the same"—without my approval. It appears that Senate Bill No. 130, already approved, is identical in language, both in the title and in the body of the Act, to Senate Bill No. 338, hereby disapproved. In fact, the bills are duplicates, except in number. Believing that the money appropriated by Senate Bill No. 130 is sufficient for the purpose—in fact, all that was intended to be appropriated—I therefore disapprove of Senate Bill No. 338, and respectfully return it to the body in which it originated.

GEORGE STONEMAN, Governor.

Also, the following:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, )  
SACRAMENTO, March 13, 1883. )

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 327—"An Act to amend an Act entitled "An Act to provide for the future management of the Napa State Asylum for the Insane," approved March 6, 1876.

Also, Senate Bill No. 74—"An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as and numbered section three thousand three hundred and forty-one (division four, part one, title two), relating to damages committed by dogs and other animals to sheep, Angora goats, and Cashmere goats, and for the better protection of the same against the ravages of dogs and other animals.

Also, Senate Bill No. 110—"An Act to amend section eight hundred and fifty-three of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the absence of State officers from the State.

Also, Senate Bill No. 130—"An Act appropriating money for the completion of the Branch Normal School building at Los Angeles, and for the improvement of the grounds about the same.

Also, Senate Bill No. 356—"An Act for the appropriation of money for the erection of buildings and improvements and purchase of land for the Napa State Asylum for the Insane.

Also, Senate Bill No. 85—"An Act to protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence on conviction of a misdemeanor.

Also, Senate Bill No. 68—"An Act to appropriate money for the support of the Mining Bureau, and to repeal all Acts and parts of Acts inconsistent therewith.

GEORGE STONEMAN, Governor.

#### MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following:

Assembly Concurrent Resolution No. 56—Relating to pardoning Chinese criminals on condition that they return to China without passport.

Also, Senate Bill No. 212—An Act for the relief of John W. Metcalf and George McLellan.

Also, Senate Bill No. 82—An Act to pay the salary of the Reporter of Decisions of the Supreme Court for the period elapsing from January seventh to July first, eighteen hundred and eighty.

M. C. HALEY, Chief Clerk.

Assembly Concurrent Resolution No. 56—Placed on file.

Senate Bills No. 212 and No. 82—Referred to Committee on Enrolled Bills.

#### SPECIAL FILE—(FIRST READING).

Assembly Bill No. 532—An Act supplemental to the General Appropriation Bill (Assembly Bill No. 77), to provide a contingent fund for the office of the Controller.

Read first time.

Mr. Filcher moved to suspend the provisions of section fifteen, of article four, of the Constitution, requiring bills to be read on three several days, that Assembly Bill No. 532 be declared a case of urgency and read second time.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Cox, Cronan, Cross, Del Valle, Dougherty, Fileher, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kelley of Solano, Langford, Maddox, McClure, Murphy, Nelson, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, and Whitney—29.

NOES—Messrs. Kellogg and Wolfskill—2.

Assembly Bill No. 532.

Rules suspended, and the bill considered read second time.

Assembly Bill No. 532.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Fileher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Maddox, McCarthy, Murphy, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—34.

NOES—None.

Title read and approved.

Assembly Bill No. 524—An Act to appropriate money to pay deficiencies for payment of rewards offered by the Governor for the thirty-second fiscal year.

Read first time.

Mr. Ryan moved to suspend the provisions of section fifteen, of article four, of the Constitution, requiring bills to be read on three several days, that Assembly Bill No. 524 be declared a case of urgency, and read second time.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Fileher, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Knight, Langford, Maddox, McCarthy, McClure, Murphy, Nelson, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, and Whitney—32.

NOES—Messrs. Kelley of Solano and Wolfskill—2.

Assembly Bill No. 524.

Rules suspended, on motion of Mr. Ryan, and the bill was considered read second time.

Assembly Bill No. 524.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Knight, Langford, Maddox, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, Vrooman, Wallis, and Whitney—33.

NOES—Messrs. Kellogg and Wolfskill—2.

Title read and approved.

Assembly Bill No. 259—An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add a new section thereto, numbered four thousand and forty-five, relative to the general permanent powers of Boards of Supervisors, and fixing licenses.

Read first time.

Mr. Filcher moved to suspend the provisions of section fifteen, of article four, of the Constitution, requiring bills to be read on three several days, that Assembly Bill No. 259 be declared a case of urgency, and read second time.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Chandler, Cronan, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Langford, Lynch, Maddox, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Vrooman, Wallis, and Whitney—28.

NOES—Messrs. Brooks, Cox, Cross, Del Valle, Dougherty, Kelley of Solano, Knight, and Taylor—8.

Mr. Whitney moved that the rules be suspended, and this bill be read a second time.

Carried.

Mr. Perry moved that the recess be postponed until after consideration of this bill is finished.

Carried.

Mr. Del Valle moved to further postpone the recess until after consideration of Assembly Bill No. 129.

Carried.

Assembly Bill No. 259.

Read second time, and amended by Senator Whitney, by striking out the words "Division 1," in line seven, and placing the word "business" in line eight.

Mr. Fraser moved that the vote be reconsidered by which Assembly Bill No. 259 was amended.

Carried.

The question recurring on the adoption of the amendment, the same was rejected.

Mr. Filcher moved that the clerk be authorized to correct a clerical error in accordance with the suggestion of Mr. Whitney.

Carried.

Mr. Ryan moved to suspend the rules, and read the bill the third time.

Carried.

Assembly Bill No. 259—Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Knight, Langford, Lynch, Murphy, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Vrooman, Wallis, Whitney, and Wolfskill—30.

NOES—Mr. McClure—1.

Title read and approved.

At one o'clock P. M., on motion of Mr. Ryan, the Senate took a recess until two o'clock P. M.

#### REASSEMBLED.

At two o'clock P. M. the Senate reassembled.

President Daggett in the chair.

Roll called, and the following Senators answered to their names :

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, McClure, Murphy, Nelson, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill.

Quorum present.

#### SPECIAL FILE.

Assembly Bill No. 129—An Act to divide the State of California into Congressional Districts.

Read third time.

Mr. Del Valle moved a call of the Senate.

Carried.

Roll called, and the following Senators answered to their names :

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, McClure, Murphy, Nelson, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill.

The Sergeant-at-Arms was furnished a list of absentees, and the doors closed.

The Sergeant-at-Arms appeared, and announced that Senator Perry was without desiring admission.

On motion, Senator Perry was admitted and afterwards excused.

On motion of Mr. Murphy, further proceedings under the call of the Senate were dispensed with.

Mr. McClure raised the point of order, that Assembly Bill No. 129 could not be placed on its passage at this time, for the reason that a substitute had been adopted on the third reading, and that the bill had not received the constitutional consideration.

The Chair ruled that in conformity with the decision of the Senate on the previous day, he would rule the point of order not well taken.

Mr. Kelley of Solano moved to recommit Assembly Bill No. 129 to the Chairman of the Apportionment Committee, with instructions that the Chairman strike out sections two, three, and four, and insert in lieu thereof the following amendments :

SEC. 2. The Counties of Del Norte, Humboldt, Trinity, Siskiyou, Shasta, Modoc, Lassen, Plumas, Sierra, Butte, Tehama, Colusa, Mendocino, Lake, and Sonoma, shall compose the First Congressional District.

SEC. 3. The Counties of Yolo, Sutter, Yuba, Nevada, Placer, El Dorado, Amador, Calaveras,

Alpine, San Joaquin, Stanislaus, Merced, Tuolumne, and Mariposa, shall comprise the Second Congressional District.

Sec. 4. The Counties of Sacramento, Solano, Napa, Marin, Contra Costa, and Alameda, shall comprise the Third Congressional District.

And report the same back to the Senate forthwith.

The ayes and noes were demanded on the motion, by Senators McClure, Whitney, and Kelley of Solano.

Roll called, and the motion lost by the following vote :

AYES—Messrs. Chandler, Fraser, Keating, Kelloy of Solano, Kellogg, McClure, Perry, Routier, Vrooman, and Whitney—11.

NOES—Messrs. Baldwin, Brooks, Buck, Cox, Cronan, Del Valle, Dougherty, English, Fileher, Foster, Harrigan, Johnson, Kelly of San Francisco, Knight, Langford, Lyneh, Maddox, McCarthy, Murphy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—27.

Assembly Bill No. 129 passed by the following vote :

AYES—Messrs. Baldwin, Brooks, Buck, Cox, Cronan, Cross, Del Valle, Dougherty, English, Fileher, Harrigan, Johnson, Keating, Kelly of San Francisco, Knight, Langford, Lyneh, Maddox, Murphy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—28.

NOES—Messrs. Chandler, Fraser, Kelley of Solano, Kellogg, McCarthy, McClure, Perry, Routier, Vrooman, and Whitney—10.

Title read and approved.

Mr. McClure offered the following protest :

MR. PRESIDENT : The undersigned hereby protest against the action of the Senate, in the matter of the passage of Assembly Bill No. 129, and assign the following reasons therefor, to wit :

*First*—That an amendment to said bill was proposed on its third reading and final passage, which amendment substituted entire new matter for each and every section of said bill, and was adopted without a suspension of the rules of the Senate and section fifteen of article four of the Constitution.

*Second*—That said bill as amended by said substitute was not read on three several days in each House, as required by the provisions of said section of the Constitution, and said provisions were not dispensed with.

J. ROUTIER.  
A. L. CHANDLER.  
GEO. H. PERRY.  
HENRY VROOMAN.  
DAVID McCLURE.  
THOS. FRASER.

Mr. English moved to lay the protest on the table.

Ayes and noes demanded on the motion, by Senators Sullivan, Reddy, and Brooks.

Roll called, and the motion to lay on the table lost by the following vote :

AYES—Messrs. Buck, Cox, Cronan, English, Harrigan, Keating, Kelly of San Francisco, Langford, Maddox, Murphy, Nelson, Spencer of Napa, Sullivan, and Wolfskill—14.

NOES—Messrs. Baldwin, Brooks, Chandler, Cross, Del Valle, Dougherty, Fileher, Foster, Fraser, Johnson, Kelley of Solano, Kellogg, Knight, Lyneh, McClure, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Stanislaus, Taylor, Vrooman, and Whitney—24.

## REPORT OF COMMITTEE—(OUT OF ORDER).

### ON APPORTIONMENT AND REPRESENTATION.

SENATE CHAMBER, SACRAMENTO, March 13, 1883.

MR. PRESIDENT : Your Committee on Apportionment, to whom was referred Senate Bills Nos. 60, 61, 68, 165, 198, and 207, report the same back without recommendation.

SULLIVAN, Chairman.



## SPECIAL FILE—(RESUMED).

Senate Bill No. 321—An Act to appropriate the sum of three thousand dollars for the purpose of paying the rent of "The Hastings College of Law, San Francisco."

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spence of Stanislaus, Sullivan, Taylor, Vrooman, Whitney, and Wolfskill—35.  
 NOES—Messrs. Fraser and Kelley of Solano—2.

Title read, and amended so as to conform to the body of the bill.

Mr. Chandler moved to take up Assembly Bill No. 302 out of order.

Ayes and noes demanded, on motion of Senators Kelly of San Francisco, Baldwin, and Routier.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Chandler, Cox, Cross, Dougherty, Filcher, Fraser, Keating, Kellogg, McCarthy, McClure, Murphy, Perry, Reddy, Reynolds, Routier, Spence of Napa, Taylor, Vrooman, and Whitney—19.

NOES—Messrs. Baldwin, Del Valle, Johnson, Kelly of San Francisco, Kelley of Solano, Langford, Lynch, Nelson, Spencer of Stanislaus, and Sullivan—10.

Assembly Bill No. 183—An Act to make an appropriation to pay a deficiency in the appropriation for the thirty-third and thirty-fourth fiscal years.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Fraser, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, McCarthy, McClure, Murphy, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, and Whitney—29.

NOES—Messrs. Kelley of Solano, Langford, and Wolfskill—3.

Title read and approved.

Assembly Bill No. 477—An Act to provide for the erection of a wall at the State Prison at Folsom.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, McCarthy, McClure, Murphy, Perry, Reddy, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, Vrooman, and Whitney—28.

NOES—Messrs. Langford, Lynch, Reynolds, and Wolfskill—4.

Title read and approved.

Assembly Bill No. 503—An Act to authorize the Common Council, Board of Trustees, or other governing body of any incorporated city or town, to re-fund its indebtedness, to issue bonds therefor, and provide for payment of the same.

Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Cox, Cronan, Cross, Del Valle, English, Filcher, Foster, Fraser, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Lynch, McCarthy, McClure, Reddy, Reynolds, Routier, Spencer of Napa, Spencer of Stanislaus, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—28.

NOES—Mr. Ryan—1.

Title read and approved.

Assembly Bill No. 462—An Act to authorize cities to erect and maintain drawbridges across navigable streams that flow through or penetrate the boundaries of such cities.

Read third time, and passage refused by the following vote:

AYES—Messrs. Cross, Dougherty, English, Foster, Fraser, Johnson, Knight, Langford, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, and Wolfskill—15.

NOES—Messrs. Baldwin, Brooks, Chandler, Cronan, Filcher, Keating, Kelly of San Francisco, Lynch, McCarthy, McClure, Perry, Routier, Vrooman, Wallis, and Whitney—15.

By consent, on motion of Mr. Spencer of Napa, the Assembly was requested to return Assembly Concurrent Resolution No. 21.

#### RESOLUTIONS—(OUT OF ORDER).

By Mr. Taylor:

*Resolved*, That the President of the Senate be and he is hereby allowed the sum of fifty dollars, payable out of the Contingent Fund of the Senate, for five days per diem, and the Controller is hereby authorized to draw his warrant in favor of Honorable John Daggett for said sum of fifty dollars, payable out of the Contingent Fund of the Senate.

Adopted.

By Mr. Keating:

*Resolved*, That the Postmistress of the Senate be and she is hereby directed and authorized to remain at Sacramento until Saturday evening, March seventeenth, eighteen hundred and eighty-three, for the purpose of receiving all of the mail of the Senators, and returning the same to their address; and the Controller is hereby authorized to draw his warrant out of the Contingent Fund of the Senate to pay her per diem.

Adopted.

By Mr. Spencer of Napa:

WHEREAS, There is a deficiency in the appropriation for the expenses of the Senate for the twenty-fifth session of the Legislature, amounting to fifty-six dollars, for the pay of the officers and clerks; and whereas, there is required the further sum of one hundred and fifty dollars to pay the officers mentioned in sections two hundred and sixty-one and two hundred and sixty-nine of the Political Code, for the services to be rendered after the close of the session;

*Resolved*, That the Controller be and he is hereby directed to draw his warrant in favor of the Sergeant-at-Arms of the Senate for the sum of two hundred and six dollars, payable out of the fund for contingent expenses of the Senate.

Adopted.

By Mr. Keating:

*Resolved*, That C. H. Lanikin be paid the sum of thirty dollars for lighting the gas in the Senate chamber, and that the Controller is hereby authorized to draw his warrant payable to the said C. H. Lanikin out of the Contingent Fund of the Senate.

Referred to Committee on Contingent Expenses and Mileage.

On motion of Mr. Murphy, messages from the Governor were taken up out of order.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 13, 1883. }

To the honorable the Senate of the State of California:

MR. PRESIDENT: I herewith return Substitute for Senate Bill No. 348—"An Act to appropriate money for the purchase, construction, and completion of avenues, roads, trails, walks, and bridges, and generally to improve and preserve the territory within the limits of the Yosemite Valley and Mariposa Big Tree Grove"—without my approval.

I find that a bill was passed and approved March fourth, eighteen hundred and eighty-one, appropriating the sum of twenty-five thousand dollars for the purchase of trails in the Yosemite Valley, and for the improvement and preservation of the territory within its limits. Whether trails were bought under the Act referred to, and if so, how much was paid therefor, I have no knowledge. It seems that the Commissioners should have purchased all trails, to which the State had no title, within the valley, with the amount of money appropriated for that purpose in that enactment. Why the same sum is this year reappropriated I do not know. Is there an unlimited number of trails in that valley to be purchased, and shall the State, year after year, be called upon to appropriate money to purchase these trails? It would no doubt be proper to appropriate money for the construction of some necessary trails and the preservation of the property of the State in the valley, but it is my opinion that the amount appropriated in the accompanying bill is excessive, and that the sum of ten thousand dollars therefor would be sufficient.

The most serious objection of the Executive to the bill, is found in section two thereof. That section provides, in brief, that the Controller shall draw his warrant in favor of the Commissioners on their demand for one half of the amount appropriated, on or before the first Monday in May in the year eighteen hundred and eighty-three, and the other half thereof, in the same manner, on or before the first Monday in May in the year eighteen hundred and eighty-four, and that the State Treasurer shall pay the warrants when presented. It will thus be seen that under this bill there is no Board or other body to audit the accounts of the Commissioners or pass upon the same, or act as a check upon the Commission in the expenditure of the money of the State. It is and should be the general policy of the State to allow and require the State Board of Examiners to pass upon, audit, and allow all claims against the State, except for salaries and the expenses of the Legislature, before the Controller should be required to draw his warrants therefor. It is true that this rule has been deviated from in some instances, but such should not be the case. I presume that all the gentlemen composing the Board of Yosemite Valley Commissioners are honorable gentlemen, and would expend the money of the State in a proper and judicious manner. This communication is not intended to reflect in any manner upon the gentlemen who compose the Board of Yosemite Valley Commissioners, but is an objection to the principle underlying the bill. I therefore disapprove of Substitute for Senate Bill No. 348, and return the same to the Senate for such further action as your honorable body may think proper to take.

GEORGE STONEMAN, Governor.

Mr. Murphy moved that the bill become a law, notwithstanding the objections of the Governor.

Roll called, with the following result:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Dougherty, English, Foster, Johnson, Keating, Kelley of Solano, McClure, Rontier, Spencer of Stanislaus, Vrooman, Wallis, and Whitney—16.

NOES—Messrs. Brooks, Buck, Cross, Del Valle, Filcher, Fraser, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, McCarthy, Murphy, Nelson, Reddy, Ryan, Spencer of Napa, Taylor, and Wolfskill—19.

Whereupon the President announced that the bill had failed to become a law.

On motion of Mr. Knight, Assembly Bill No. 440 was taken up out of order.

Assembly Bill No. 440—An Act to provide for the disposal of moneys remaining in the building fund of any school district, after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings.

Read first time.

Mr. Knight moved to suspend the provisions of section fifteen of article four of the Constitution, requiring bills to be read on three several days, that Assembly Bill No. 440 be declared a case of urgency, and placed upon its passage.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, English, Filcher, Foster, Fraser, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Rontier, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—36.

NOES—None.

Rules suspended, and Assembly Bill No. 440 considered read the second time.

Assembly Bill No. 440—Read third time, and passed by the following vote :

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, McCarthy, McClure, Murphy, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—37.

NOES—None.

Title read and approved.

Mr. Reynolds moved to take up Assembly Bill No. 56 out of order. Carried.

Assembly Bill No. 56—An Act to encourage the destruction of coyotes in different counties of the State, and authorizing the Board of Supervisors of each of said counties to fix and determine the bounty for the destruction of the same.

Read a second time.

Mr. Reynolds moved to suspend the provisions of section fifteen, article four, of the Constitution, requiring bills to be read on three several days, that Assembly Bill No. 56 be declared a case of urgency, and placed upon its passage.

Roll called, and the motion carried by the following vote :

AYES—Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—37.

Assembly Bill No. 56—Read third time, and passed by the following vote :

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—38.

NOES—None.

Title read and approved.

Mr. Taylor moved to take up Assembly Bill No. 530 out of order. Carried.

Assembly Bill No. 530—An Act to add a new section to the Political Code, to be known as section two thousand nine hundred and sixty-nine, relating to the auditing of the accounts of the Immigration Commissioner, and for the prevention of fraud in the same.

Read first time.

Senator Lynch in the chair.

Mr. Taylor moved to suspend the provisions of section fifteen, article four, of the Constitution, requiring bills to be read on three several days, that Assembly Bill No. 530 be declared a case of urgency and placed on its passage.

Roll called.

Previous to the announcement of the vote a new roll-call was demanded.

Mr. Vrooman raised the point of order that a new roll-call could not be taken previous to the announcement of the vote.

The Chair ruled that the point of order was not well taken.

Mr. Vrooman appealed from the decision of the Chair.

Upon the question: "Shall the decision of the Chair stand as the judgment of the Senate?" the Chair was sustained by a viva voce vote.

President Daggett in the chair.

Mr. McClure moved to lay the whole question on the table.

Lost.

The motion for a new roll-call was carried.

Roll called, and the motion to suspend the Constitution carried by the following vote:

AYES—Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, Murphy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, Wallis, and Whitney—31.

NOES—Messrs. McClure, Routier, and Vrooman—3.

Rules suspended, and Assembly Bill No. 530 considered read the second time.

Assembly Bill No. 530—Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, Murphy, Nelson, Reddy, Reynolds, Ryan, Spencer of Napa, Spencer of Stanislaus, Taylor, Wallis, Whitney, and Wolfskill—29.

NOES—Messrs. McClure, Perry, Routier, and Vrooman—4.

Title read and approved.

Mr. Kellogg moved to take up Assembly Bill No. 303 out of order.

Carried.

Assembly Bill No. 303—An Act to declare Feather River navigable above the point of its present navigation.

Read first time.

Mr. Kellogg moved to suspend the provisions of section fifteen, of article four, of the Constitution, requiring bills to be read on three several days, that Assembly Bill No. 303 be declared a case of urgency, and placed upon its passage.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Baldwin, Buck, Cox, Del Valle, Filcher, Foster, Fraser, Johnson, Kelley of Solano, Kellogg, Maddox, Nelson, Reddy, Reynolds, Spencer of Stanislaus, Sullivan, Taylor, and Wolfskill—18.

NOES—Messrs. Brooks, Chandler, Cronan, Dougherty, English, Harrigan, Keating, Kelly of San Francisco, Langford, McClure, Murphy, Perry, Ryan, Spencer of Napa, Vrooman, Wallis, and Whitney—17.

Mr. Whitney moved to take up Assembly Bill No. 127 out of order.

Carried.

Assembly Bill No. 127—An Act to prevent the introduction of contagious or infectious diseases into the State of California.

Read first time.

Mr. Whitney moved to suspend the provision of section fifteen of article nine of the Constitution, requiring bills to be read on three



several days, that Assembly Bill No. 127 be declared a case of urgency, and placed upon its passage.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Knight, Langford, McClure, Nelson, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Whitney, and Wolfskill—29.

NOES—Messrs. Buck, Kelley of Solano, and Kellogg—3.

Rules suspended, and Assembly Bill No. 127 considered read the second time.

Assembly Bill No. 127 read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Maddox, McClure, Nelson, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Vrooman, Wallis, Whitney, and Wolfskill—33.

NOES—Mr. Buck—1.

Title read and approved.

Mr. Spencer of Napa moved to take up Senate Bill No. 303 out of order.

Carried.

Senate Bill No. 303—An Act to add a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the salary of the Clerk of the State Board of Equalization.

Read first time.

Mr. McClure moved to suspend the provisions of section fifteen of article four of the Constitution, requiring bills to be read on three several days, that Senate Bill No. 303 be declared a case of urgency, and placed upon its passage.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Vrooman, Wallis, Whitney, and Wolfskill—34.

NOES—Messrs. Fraser and Kelley of Solano—2.

Rules suspended, and Senate Bill No. 303 considered read the second time.

Senate Bill No. 303 read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Knight, Langford, Lynch, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, and Wallis—34.

NOES—Messrs. Fraser and Wolfskill—2.

Title read and approved.

Mr. Baldwin moved to take up Assembly Concurrent Resolution No. 43 out of order.

Carried.

Assembly Concurrent Resolution No. 43—Relative to the law now introduced in Congress for the relief of settlers on the Moquelumnos grant, in this State.

Adopted.

Mr. Vrooman moved to take up Assembly message, relating to adjournment.

Carried.

#### MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, have adopted Assembly Concurrent Resolution No. 58, relative to the sine die adjournment of this session of the Legislature.

M. C. HALEY, Chief Clerk.

On motion of Mr. Del Valle, Assembly Concurrent Resolution No. 58 was made a special order for eight o'clock and thirty minutes P. M. of this day.

Mr. Keating moved to take up Assembly Bill No. 185 out of order.

Lost.

Mr. Johnson moved to take up Assembly Concurrent Resolution No. 29.

Carried.

Assembly Concurrent Resolution No. 29—Relative to instructing our Senators and requesting our Representatives in Congress to have a law passed in the interest of the viticultural industry.

Adopted.

Mr. Cross moved to take up messages from the Assembly out of order.

Carried.

#### MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, have had under consideration Assembly Bill No. 448—An Act to establish a uniform system of county and township governments—as amended by the Senate, and now report that said amendments have all been concurred in by the Assembly.

Also, Assembly Concurrent Resolution No. 21—Relative to proposed amendment to section nine, article eight, of the Constitution, as requested by message of this day.

Also, that the Assembly on this day had under consideration Assembly Bill No. 129—An Act to divide the State into Congressional Districts and to provide for the election of Congressmen therein—as amended in the Senate, and now report that the Assembly has concurred in said amendments.

Also, passed Senate Bill No. 196—An Act to provide for the purchase of certain portraits by the State Board of Examiners, and to appropriate money therefor.

M. C. HALEY, Chief Clerk.

Senate Bill No. 196—Referred to Committee on Enrolled Bills.

Also:

That the Assembly, on this day, passed Senate Bill No. 372—An Act to establish a State Board of Silk Culture, and to provide money for the expenses thereof.

Also, had under consideration Senate Bill No. 132—An Act entitled "An Act to grant to Boards of Health in counties and cities and counties the power to regulate the plumbing and drainage of buildings"—have amended the same, and now ask the Senate to concur in said amendments.

Also, had under consideration Senate Bill No. 117—An Act to amend the Constitution (relative to the State Board of Education)—have amended the same, and now ask the Senate to concur in said amendments.

M. C. HALEY, Clerk.

By G. W. HERBERT, Assistant Clerk.

Senate Bill No. 372—Referred to Committee on Enrolled Bills.

Mr. Dougherty moved that the Senate concur in the Assembly amendments to Senate Bill No. 132.

Roll called, and the Senate concurred in the amendments by the following vote:

AYES—Messrs. Baldwin, Brooks, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Vrooman, Wallis, Whitney, and Wolfskill—34.  
 NOES—None.

Mr. Perry moved that the Senate concur in the Assembly amendments to Senate Bill No. 117.

Roll called, and the Senate concurred by the following vote:

AYES—Messrs. Baldwin, Brooks, Chandler, Cox, Cross, Del Valle, Dougherty, English, Filcher, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, McClure, Nelson, Perry, Reynolds, Routier, Ryan, Sullivan, Wallis, Whitney, and Wolfskill—28.  
 NOES—Messrs. Buck and Maddox—2.

Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, have had under consideration Senate Bill No. 391—An Act providing for submitting to a vote of the qualified electors of a county, or city and county, a proposal to issue bonds—have amended the same, and now ask the Senate to concur in said amendments.

M. C. HALEY, Chief Clerk.  
 By G. W. HERBERT, Assistant Clerk.

Mr. McClure moved that the Senate concur in the Assembly amendments to Senate Bill No. 391.

Roll called, and the amendments concurred in by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Kelly of San Francisco, Kellogg, Knight, Langford, Lynch, McCarthy, McClure, Murphy, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Napa, Sullivan, Vrooman, Wallis, Whitney, and Wolfskill—34.  
 NOES—None.

#### REPORT OF COMMITTEE.

##### ON ENROLLED BILLS.

SENATE CHAMBER, SACRAMENTO, March 13, 1883.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined, and found correctly enrolled, Senate Bill No. 212, and that the same has been placed in the hands of the Governor.

HARRIGAN, Chairman.

Mr. McClure moved to take up Assembly Bill No. 150 out of order.  
 At six o'clock Mr. Buck moved to take a recess to eight o'clock, P. M.  
 Carried.

##### REASSEMBLED.

At eight o'clock P. M. the Senate reassembled.  
 President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

Quorum present.

## CONSIDERATION OF BILLS—(OUT OF ORDER).

On the motion to take up Assembly Bill No. 150, the ayes and noes were demanded by Senators Perry, Routier, and Chandler.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Baldwin, Chandler, Cox, Cronan, Dougherty, Foster, Keating, McCarthy, McClure, Perry, Routier, Ryan, Spencer of Stanislaus, and Sullivan—14.

NOES—Messrs. Cross, Del Valle, Filcher, Fraser, Harrigan, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Maddox, Nelson, Reynolds, Vrooman, Wallis, Whitney, and Wolfskill—17.

Mr. McClure moved that the Senate take up Assembly Bill No. 290 out of order.

Carried.

Assembly Bill No. 290—An Act to add a new section to the Penal Code, to be known as section thirteen hundred and eighty-eight, to provide for the probationary treatment of juvenile delinquents.

Read second time, and ordered to a third reading.

Mr. McClure moved to suspend the provisions of section fifteen of article six of the Constitution, requiring the reading of bills on three several days, that Assembly Bill No. 290 be declared a case of urgency, and placed upon its passage.

Roll called, and the motion was carried by the following vote:

AYES—Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reynolds, Routier, Ryan, Spencer of Stanislaus, Sullivan, Vrooman, Wallis, Whitney, and Wolfskill—35.

Assembly Bill No. 290 read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Stanislaus, Sullivan, Vrooman, Wallis, Whitney, and Wolfskill—35.

NOES—None.

Title read and approved.

## MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 303—An Act to add a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the salary of the Clerk of the State Board of Equalization.

Also, Senate Bill No. 321—An Act to appropriate the sum of three thousand dollars for the purpose of paying the rent of "The Hastings College of Law, San Francisco."

M. C. HALEY, Chief Clerk.

Senate Bill No. 303 and No. 321 referred to Committee on Enrolled Bills.

## REPORT OF COMMITTEES—(OUT OF ORDER).

## ON CONTINGENT EXPENSES AND MILEAGE.

MR. PRESIDENT: Your Committee on Contingent Expenses and Mileage, to whom was referred the following, do report back as follows:

*Resolved*, That W. E. Maguire, Rear Porter of the Senate, be allowed the sum of twelve dollars for services as such Rear Porter, for the ninth, tenth, and eleventh days of January, eighteen hundred and eighty-three, and the State Controller is hereby authorized to draw his warrant upon the Contingent Fund of the Senate, in favor of said W. E. Maguire, for said sum of twelve dollars.

Have had the same under consideration, and recommend that it do pass.

Adopted.

Also, the following:

SACRAMENTO, March 7, 1883.

WHEREAS, Lem. Wilson and J. D. Farrell, Porters of the Senate, have, since the date of their appointment, worked fourteen hours each day; and whereas, the provisions of the Constitution declare that eight hours shall constitute a legal day's labor; therefore, be it

*Resolved*, That said Lem. Wilson and J. D. Farrell be allowed the sum of one dollar each per day from the date of their respective appointments; that the State Controller is hereby authorized to draw his warrant for the sum of sixty dollars in favor of each of said Porters, to be paid out of the contingent expense fund of the Senate.

Have had the same under consideration, and recommend its passage.

Adopted.

Also, the following:

*Resolved*, That T. McGann, Mail Carrier of the Senate, be and he is hereby allowed one dollar per day for extra work from the commencement of the session, for cartage of the mail to and from the Post Office and the Senate Chamber; and the Controller of State is hereby authorized and directed to draw his warrant for the same, payable out of the Contingent Fund of the Senate.

Have had the same under consideration, and recommend that he be allowed forty dollars.

Resolution rejected.

Also, the following:

MR. PRESIDENT: Your Committee on State Prison and Prison Buildings beg leave to report the following resolution, and recommend its adoption:

*Resolved*, That the Controller be and he is hereby authorized to draw his warrant for the sum of twenty-two dollars (\$22), payable out of the Contingent Fund of the Senate, in favor of Mr. Foster, Chairman committee, the same being the amount due from the Senate for the payment of mileage in the matter of the investigation of the Branch State Prison at Folsom, by Senators Foster, Kelly, Dougherty, Nelson, and Routier.

Have had the same under consideration, and recommend its passage.

MADDOX, Chairman.

Adopted.

ON STATE LIBRARY.

SACRAMENTO, March 13, 1883.

MR. PRESIDENT: Your committee on State Library beg leave to report that they have examined into the affairs of the State Library, and find everything in proper condition. The books are well arranged for convenience, and evidently good care is taken of them. Considerable additions have been annually made, and we are pleased to note that they are mostly of the class known as standard works, and such as will be of permanent value. The system of keeping accounts adopted by the present Librarian is convenient and accurate.

We find that the Librarian, from April sixth, eighteen hundred and eighty-two, to March thirteenth, eighteen hundred and eighty-three, has drawn by warrant and otherwise the sum of four thousand one hundred and forty-four dollars and sixty-nine cents. We also find that for the same period of time he has expended four thousand eighteen dollars and eighty-three cents, as per vouchers in his hands; leaving a cash balance on hand of one hundred and twenty-five dollars and eighty-six cents.

There are in the Library, as appears by the register of books kept by the Librarian, fifty-five thousand one hundred and eighteen volumes. The law department has received very material additions, and now contains all the late publications of value.

So far as we are able to learn, the management gives general satisfaction. The employés are courteous and accommodating.

C. H. MADDOX, Chairman.

SPECIAL ORDER.

Assembly Concurrent Resolution No. 58:

*Resolved by the Assembly, the Senate concurring*, That this Legislature adjourn sine die on Tuesday, March thirteenth, eighteen hundred and eighty-three, at twelve o'clock, midnight.

Adopted.



## CONSIDERATION OF BILLS—(OUT OF ORDER).

Mr. Fraser moved to take up Assembly Bill No. 212 out of order.  
Carried.

Assembly Bill No. 212—An Act amendatory of and supplemental to an Act to authorize and direct the County Judges of the several counties of this State to execute certain trusts, in relation to the town lands granted to the unincorporated towns in this State by the Act of Congress entitled "An Act for the relief of the inhabitants of cities and towns upon public lands," approved March 2, 1867, approved March 2, 1868.

Rules suspended, and the bill considered read the second time.

Mr. Fraser moved to suspend the provisions of section fifteen of article four of the Constitution, requiring bills to be read on three several days, that Assembly Bill No. 212 be declared a case of urgency, and placed on its passage.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Stanislaus, Taylor, Vrooman, Wallis, Whitney, and Wolfskill—36.

NOES—None.

Assembly Bill No. 212, read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Chndler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, and Wolfskill—38.

NOES—None.

Title read and approved.

Mr. Cross moved to take up messages from the Assembly.  
Carried.

## MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 280—An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-third fiscal year.

M. C. HALEY, Chief Clerk.  
By G. W. HERBERT, Assistant Clerk.

Senate Bill No. 280—Referred to Committee on Enrolled Bills.

Mr. Kellogg moved that the Senate decline to consider any more bills.

Carried.

## RESOLUTIONS—(OUT OF ORDER).

By Mr. Routier:

WHEREAS, It has been the custom for many sessions of the Senate of this State to employ one Page, whose duties were to receive bills from the Sergeant-at-Arms and distribute them to the Senators; and whereas, during the present session of the Senate no Page for such necessary purpose was employed, but in lieu thereof the four Pages on the floor were utilized in the performance of said indispensable labor; now therefore, be it

*Resolved*, That the four Pages on the floor be and they are hereby allowed the sum of thirty dollars each during the session for such extra services rendered, and that the Controller of State be and is hereby authorized and requested to draw his warrant in favor of said Pages for the said sum, and the Treasurer of State authorized and empowered to pay the same.

Mr. Langford moved to indefinitely postpone.

Ayes and noes demanded by Senators Perry, Reynolds, and Keating.

Roll called, and the motion to indefinitely postpone lost by the following vote:

AYES—Messrs. Baldwin, Brooks, Cross, Filcher, Fraser, Langford, Lynch, Reynolds, Ryan, Spencer of Stanislaus, Sullivan, and Wolfskill—12.

NOES—Messrs. Buck, Chandler, Cox, Cronan, Dougherty, English, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Maddox, McCarthy, McClure, Nelson, Perry, Reddy, Routier, Spencer of Napa, Taylor, Vrooman, Wallis, and Whitney—26.

The question recurring on the adoption of the resolution, the ayes and noes were demanded by Senators Langford, Reynolds, and Routier.

Roll called, and the resolution adopted by the following vote:

AYES—Messrs. Cronan, Del Valle, Dougherty, English, Foster, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Routier, Ryan, Sullivan, Vrooman, Wallis, and Whitney—23.

NOES—Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cross, Filcher, Fraser, Kellogg, Knight, Langford, Lynch, Reynolds, Spencer of Stanislaus, Taylor, and Wolfskill—16.

#### MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 279—An Act making an appropriation for a deficiency in the appropriation for postage and expressage in the office of Superintendent of Public Instruction for the thirty-third fiscal year.

M. C. HALEY, Chief Clerk.

Senate Bill No. 279—Referred to Committee on Enrolled Bills.

#### RESOLUTION.

By Mr. Foster:

*Resolved*, That the Journal Clerk of this body be and he is hereby allowed his per diem for four days after adjournment, for finishing, comparing, underlining, and having the President and Secretary sign the Journal; and the Controller is directed to draw his warrant in favor of the Journal Clerk for the same.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 13, 1883. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 369—An Act to amend section two thousand one hundred and thirty-seven of an Act to establish a Political Code, approved March 12, 1872, relating to insane asylums.

Also, Senate Bill No. 338—An Act to provide for the erection of a building for the insane at the State Asylum at Stockton, and for the improvement of the drainage and water supply thereof.

Also, Substitute for Senate Bill No. 3—An Act to establish a State Board of Horticulture and appropriate moneys for the expenses thereof.

Also, Senate Bill No. 82—An Act to pay the salary of the Reporter of Decisions of the Supreme Court for the period elapsing from January seventh to July first, of the year eighteen hundred and eighty.

Also, Senate Bill No. 212—An Act for the relief of John W. Metcalf and John McLellan.

GEORGE STONEMAN, Governor.

## RESOLUTION.

By Mr. Murphy:

*Resolved*, That the Senate hereby acknowledges the faithful and courteous manner in which Mr. I. G. Messee has discharged the duties of the office of Sergeant-at-Arms, and that he be and is hereby requested to present himself to this body for reelection, when it shall convene at its next regular session.

Resolution adopted.

## MESSAGE FROM THE ASSEMBLY.

SACRAMENTO, March 13, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following: Senate Bill No. 281—An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-second fiscal year.

M. C. HALEY, Chief Clerk.

Referred to Committee on Enrolled Bills.

## RESOLUTION.

By Mr. Ryan:

WHEREAS, The position of presiding officer of a legislative body is one imposing great responsibility, and beset with difficulties demanding a thorough knowledge of parliamentary law and the exercise of wisdom and forbearance in its administration; and whereas, this Senate, which is about to adjourn sine die, has been thus favored by the wise selection made by the people of its President; therefore,

*Resolved by the Senate*, That it recognizes in President John Daggett an able and impartial presiding officer, and that we hereby extend to him our sincere thanks for the skillful, impartial, and courteous manner in which he has presided over the deliberations of this body.

Resolution adopted.

By Mr. Filcher:

SENATE CHAMBER, SACRAMENTO, March 13, 1883.

WHEREAS, The clerks at the desk of this Senate have, during the present session, labored earnestly and indefatigably in the performance of their respective duties, and have discharged said duties with fidelity, regularity, and marked efficiency, and to the pronounced satisfaction of every Senator on this floor; now, therefore, be it

*Resolved*, That the thanks of the Senate be and are hereby specially tendered to the said clerks, in recognition of their uniform courtesy and civility, as well as for the faithful and untiring manner in which they have so successfully accomplished their arduous task, and for which they merit our highest consideration.

Adopted.

Mr. Murphy moved to suspend the rules, and take up Assembly Bill No. 337.

Carried.

Rules suspended, and the bill considered read the first time.

Mr. Murphy moved to suspend the provision of section fifteen of article four of the Constitution, requiring bills to be read on three several days, that Assembly Bill No. 337 be declared a case of urgency, and placed upon its passage.

Roll called, and the motion carried by the following vote:

AYES—Messrs. Baldwin, Brooks, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, and Wolfskill—36.

NOES—Messrs. Kelley of Solano and Langford—2.

Rules suspended, and the bill considered read the second time.

Assembly Bill No. 337—An Act to pay the claim of Hiram Clock.  
Read third time, and passed by the following vote:

AYES—Messrs. Baldwin, Brooks, Buck, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kellogg, Knight, Lynch, Maddox, McCarthy, Murphy, Nelson, Perry, Reddy, Reynolds, Rontier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, and Wolfskill—35.

NOES—Mr. Kelley of Solano—1.

Title read and approved.

#### MESSAGES FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bill: Senate Bill No. 333—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-second fiscal year.

M. C. HALEY, Chief Clerk.

Senate Bill No. 333—Referred to Committee on Enrolled Bills.  
Also, the following:

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following bill: Senate Bill No. 334—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-third fiscal year.

M. C. HALEY, Chief Clerk.

Senate Bill No. 334—Referred to Committee on Enrolled Bills.

Mr. Cross moved to suspend the rules, and take up Assembly Bill No. 302 out of order.

After debate, the ayes and noes were demanded on this motion by Senators Maddox, Baldwin, and Del Valle.

Roll called, and the motion lost by the following vote:

AYES—Messrs. Chandler, Cox, Cross, Dougherty, English, Filcher, Foster, Fraser, Keating, Kelly of Solano, Kellogg, McCarthy, McClure, Perry, Reddy, Routier, Taylor, Wallis, and Whitney—19.

NOES—Messrs. Baldwin, Brooks, Buck, Cronan, Del Valle, Harrigan, Kelly of San Francisco, Knight, Langford, Lynch, Maddox, Murphy, Nelson, Reynolds, Spencer of Stanislaus, Sullivan, Vrooman, and Wolfskill—18.

#### MESSAGE FROM THE GOVERNOR.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
SACRAMENTO, March 13, 1883.

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 112—An Act for the relief of James Saultry, for personal injuries received by him while in the service of the State.

GEORGE STONEMAN, Governor.

#### MESSAGE FROM THE ASSEMBLY.

ASSEMBLY CHAMBER, SACRAMENTO, March 13, 1883.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed the following: Senate Bill No. 335—An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-fourth fiscal year.

Also, passed the following:

Senate Bill No. 368—An Act making appropriation to pay deficiency in the appropriation for

repairs to State Capitol building, and furniture and purchase of carpets for the thirty-fourth fiscal year.

Also, passed the following:

Senate Concurrent Resolution No. 19—Relative to supplying the members of the late Constitutional Convention with copies of the debates of that body, which are now lying in the office of the Secretary of State.

Also, passed the following:

Senate Bill No. 358—An Act to appropriate money for the support of aged persons in indigent circumstances.

M. C. HALEY, Chief Clerk.

Senate Bills Nos. 335 and 368, and Senate Concurrent Resolution No. 19, referred to Committee on Enrolled Bills.

Senate Bill No. 358 referred to Committee on Enrolled Bills.

## REPORT OF COMMITTEES—(OUT OF ORDER).

### ON FEDERAL RELATIONS.

MR. PRESIDENT: Your Committee on Federal Relations, to whom was referred Senate Concurrent Resolution No. 17, have had the same under consideration, and now report the same back and recommend its passage. All documents referred to said committee are herewith returned to the Senate.

F. T. BALDWIN.  
JOHN DOUGHERTY.  
WILLIAM CRONAN.

### ON ENROLLMENT.

SENATE CHAMBER, SACRAMENTO, March 13, 1883.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bills Nos. 117, 132, and 196, and that the same have been placed in the hands of the Governor.

HARRIGAN, Chairman.

SENATE CHAMBER, SACRAMENTO, March 13, 1883.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bill No. 372, and that the same has been placed in the hands of the Governor.

HARRIGAN, Chairman.

Mr. Murphy moved that the Chair appoint a committee of three to wait on the Governor and inquire if he has any further business to transmit to the Senate.

Carried.

The Chairman appointed as such committee Senators Murphy, Cox, and Vrooman.

### RESOLUTION.

By Mr. Filcher:

*Resolved*, That the thanks of the Senate be and they are hereby extended to the press reporters for their uniform courtesy, their gentlemanly deportment, and their impartial labors in presenting to the world a fair synopsis of our proceedings.

Adopted.

Mr. Del Valle moved that a committee of three be appointed by the Chair to wait on the Assembly and ascertain if they have any further business to transmit to the Senate.

Carried.

The Chairman appointed as such committee Senators Johnson, Sullivan, and Baldwin.

The committee made verbal report that the Assembly had no further business to transmit.

The committee appointed to wait on the Governor made a verbal report that the Governor had no further business to transmit.



A committee appeared from the Assembly, desiring to know if the Senate had any further messages to transmit to that body.

Mr. Cross moved that the committee be instructed that the Senate had no further communications to offer.

So ordered.

Mr. Sullivan moved that the thanks of the Senate be tendered to Hon. R. F. Del Valle, President pro tem., for the able and impartial manner in which he has discharged the duties of President pro tem.

Carried unanimously.

#### RESOLUTION.

*Resolved*, That the President and Secretary be instructed to examine and approve the Journal of to-day upon its receipt to-morrow.

Adopted.

#### REPORT OF COMMITTEE.

SENATE CHAMBER, SACRAMENTO, March 13, 1883.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and find correctly enrolled Senate Bills Nos. 321, 279, 280, 334, 303, 311, and 368, and that the same have been placed in the hands of the Governor.

HARRIGAN, Chairman.

At eleven o'clock and thirty minutes P. M., on motion of Mr. Filcher, the Senate took a recess for fifteen minutes.

#### REASSEMBLED.

At eleven o'clock and forty-five minutes P. M., the Senate reassembled.

President Daggett in the chair.

Roll called, and the following Senators answered to their names:

Messrs. Baldwin, Brooks, Buck, Chandler, Cox, Cronan, Cross, Del Valle, Dougherty, English, Filcher, Foster, Fraser, Harrigan, Johnson, Keating, Kelly of San Francisco, Kelley of Solano, Kellogg, Knight, Langford, Lynch, Maddox, McCarthy, McClure, Murphy, Nelson, Perry, Reddy, Reynolds, Routier, Ryan, Spencer of Napa, Spencer of Stanislaus, Sullivan, Taylor, Vrooman, Wallis, Whitney, and Wolfskill.

#### REPORT OF COMMITTEE.

##### ON ENROLLED BILLS.

SENATE CHAMBER, SACRAMENTO, March 13, 1883.

MR. PRESIDENT: Your Committee on Enrollment beg leave to report that they have examined and found correctly enrolled Senate Bills Nos. 333, 335, 281, 358, and Assembly Concurrent Resolution No. 19, and that the same have been placed in the hands of the Governor.

HARRIGAN, Chairman.

#### ADJOURNMENT.

At twelve o'clock midnight, pursuant to concurrent resolution adopted by both Houses of the Legislature, the President declared the Senate adjourned sine die.

JOHN DAGGETT,  
President of the Senate.

Attest:

EDWIN F. SMITH,  
Secretary of the Senate.



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# INDEX.

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## ORDER OF ARRANGEMENT.

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INDEX TO SENATE BILLS.

INDEX TO SENATE RESOLUTIONS.

ABBREVIATIONS.—S. B., Senate Bill; A. B., Assembly Bill; S. C. R., Senate Concurrent Resolution; A. C. R., Assembly Concurrent Resolution; S. J. R., Senate Joint Resolution; A. J. R., Assembly Joint Resolution.

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1	An Act to repeal Sections 299, 300, and 301 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to Sunday amusements, where liquors are sold, and keeping open places of business on Sunday. Taylor-----	16	60	239
2	An Act to prevent the spreading of fruit and fruit tree pests and diseases, and to provide for their extirpation. Cox-----	16	297	608
3	An Act to establish a State Board of Horticulture and appropriate moneys for the expenses thereof. Cox-----	16	298	625
4	An Act to repeal Sections 633 and 634 of "An Act to establish a Code of Civil Procedure," approved March 11, 1872. McClure-----	16		
5	An Act to repeal Section 1352 and Section 1370 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872. McClure-----	16		
6	An Act entitled "An Act to establish a Civil Code," approved March 31, 1872, relating to bequests and devises. McClure-----	16		
7	An Act to amend Section 647 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to bills of exceptions. McClure-----	16	65	
8	An Act to amend Section 665 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, in relation to cases reserved for argument or further consideration. McClure-----	16		
9	An Act to amend the Code of Civil Procedure of the State of California by adding a new section thereto, relating to actions against the State. McClure-----	16		
10	An Act amending the Constitution. McClure-----	16	103	255
11	An Act to amend an Act entitled "An Act in relation to foreign corporations," approved April 1, 1872. McClure-----	16	66	
12	An Act to amend Section 326 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to stocks and stockholders. McClure-----	16	53	315
13	An Act to amend Sections 1202 and 1203 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to actions for providing instruments and correcting defective certificates of acknowledgments. McClure-----	17	104	
14	An Act to amend Sections 3467 and 3469 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to assignments for the benefit of creditors. McClure-----	17	54	304

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
15	An Act to amend Section 325 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the time of commencing actions for the recovery of real property. McClure -----	17		
16	An Act to amend Section 2282 of "An Act to establish a Civil Code," approved March 21, 1872, relating to the manner in which a Trustee may be discharged from his trust. McClure -----	17	54	305
17	An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known and numbered as Section 1408, relative to reducing the bonds of executors and administrators, in case of certain deposits being made, and also relative to the custody and control of such deposits and the liability of depositaries. McClure -----	17		
18	An Act to incorporate religious societies. McClure -----	17		
19	An Act to regulate fees of Clerks of Superior Courts in the State of California. McClure -----	17		
20	An Act relating to the appointments of Receivers of corporations. McClure -----	17		
21	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as Section 309 A, relating to suits by stockholders of corporations. McClure -----	17		
22	An Act to amend Section 689 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to property claimed by a third party, which has been levied on under execution. McClure -----	17	104	
23	An Act to amend Sections 1068 and 1074 of an Act to establish a Code of Civil Procedure, approved March 11, 1872, providing when and by what Courts the writ of certiorari may be granted, and matters may be reviewed under such writ. McClure -----	17		
24	An Act in relation to the proofs of the incorporation of foreign corporations. McClure -----	18	112	
25	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 444, making non-compliance with the requirements of Section 2 of Article XIII of the Constitution a felony. McClure -----	18	112	
26	An Act to amend Section 160 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, in relation to authorizing Judges of Superior Courts to hold Courts in any county when requested by the Governor. McClure -----	18	100	
27	An Act to amend Section 7 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, in relation to authorizing Judges of Superior Courts to hold Court in any county, when requested by the Judge thereof, or the Governor. McClure -----	18	100	
28	An Act to amend Section 324 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to corporations. McClure -----	18	100	
29	An Act to amend Section 1405 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to succession. McClure -----	18	105	

Number	TITLE.	Introduced	Passed Senate.	Passed Assembly.
30	An Act to amend Section 1322 of an Act entitled "An Act to establish a Penal Code of the State of California," approved February 14, 1872, to determine when husband and wife may testify against each other in criminal cases. McClure	18		
31	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to authentication of marriage. McClure	18	54	305
32	An Act to amend Section 1042 of "An Act to establish a Penal Code of the State of California," approved February 14, 1872, relating to trials by jury. McClure	18	112	
33	An Act to enable the Board of Supervisors, Board and Boards of Aldermen, and certain other legislative bodies of any city and county, or city, to provide for the improvement of streets, lanes, alleys, places, courts, sewers, or sidewalks of such city and county, or city, in accordance with the provisions of Section 19, Article XI, of the Constitution. McClure	18		
34	An Act to amend Section 60 of "An Act to establish a Civil Code," approved March 21, 1872, relating to void and illegal marriages. McClure	18	119	
35	An Act to amend Sections 312 and 315 of an Act to establish a Civil Code, approved March 21, 1872, relating to corporations. McClure	19	101	
36	An Act to amend Section 243 of an Act to establish a Penal Code, approved February 14, 1872, relating to the punishment of battery and to battery on a wife. McClure	19		
37	An Act to amend the Penal Code relative to writ of habeas corpus. Perry	19		
38	An Act to authorize the Treasurer of State to pay out certain money paid into the treasury under an Act entitled "An Act to promote drainage," approved April 23, 1880. Perry	19		
39	An Act to amend Section 1274 of the Penal Code relative to approval of bail bonds. Perry	19		
40	An Act to amend Section 496 of the Penal Code. Perry	19	325	
41	An Act relative to State Prisons. Perry	19		
42	An Act to regulate the sale of oleomargarine, and to cause the same to be easily distinguished. Perry	19		
43	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the punishment of the crime of assault with a deadly weapon with the intent to produce great bodily injury. Perry	19		
44	An Act to establish a uniform system of county governments, and for that purpose to repeal Title II, Part IV of the Political Code and substitute a new Title II of said Part IV. Ryan	19		
45	An Act granting relief to taxpayers whose lands have been sold to the State. Vrooman	19	66	492
46	An Act to amend Sections 104, 105, and 106 of the Code of Civil Procedure, relating to Justices of the Peace and Justices' Courts. Vrooman	19	118	
47	An Act to provide for improving the grounds of the Deaf, Dumb, and Blind Asylum. Vrooman	19		

Number	TITLE.	Introduced	Passed Senate.	Passed Assembly.
48	An Act to amend Section 359 of the Civil Code in relation to corporations. Vrooman-----	20	100	
49	An Act to provide an industrial department for deaf, dumb, and blind. Vrooman-----	20	135	605
50	An Act to provide for the improvement of streets, lanes, alleys, courts, places, and sidewalks, and the construction of sewers within municipalities. Vrooman-----	20	230	503
51	An Act to repeal Chapter II, of Title VI, of Part III, of the Political Code, and each and every section of said Chapter II, and to enact a new Chapter II, of Title VI, of Part III, of said Code, and substitute the same in place of said repealed Chapter II in said Code, relating to roads and highways. Langford-----	20		
52	An Act making appropriation for a deficiency in the appropriation for transportation of prisoners for the thirty-second fiscal year. Foster-----	20	69	483
53	An Act making appropriation for a deficiency in appropriations for transportation of insane for the thirty-second fiscal year. Foster--	20	69	483
54	An Act making appropriations for a deficiency in the appropriations for the transportation of prisoners for the thirty-third fiscal year. Foster-----	20	70	484
55	An Act making appropriation for a deficiency in the appropriation for transportation of insane for the thirty-third fiscal year. Foster-----	20	70	484
56	An Act to provide for the payment of water supplied to the State Prison at San Quentin by the Marin County Water Company prior to the thirty-second fiscal year. English-----	20		
57	An Act to amend Sections 3495 and 3500 of the Political Code, relating to public lands of the State. English-----	20		
58	An Act for the protection of the dairy industry of this State and the consumers of dairy products. English-----	20		
59	An Act to provide rules for working mines involving easements, drainage, and other necessary means to their complete development. Kellogg-----	20		
60	An Act to divide this State into Senatorial and Assembly Districts. Ryan-----	20		
61	An Act to divide this State into Congressional Districts. Ryan-----	20		
62	An Act to pay the claim of James Saultry. English-----	22		
63	An Act to authorize the Board of State Harbor Commissioners to adjust and pay the claim of John S. Wilkins. Keating-----	30		
64	An Act to divide the State into Senatorial Districts and to provide for the election of Senators therein. Del Valle-----	30		
65	An Act to divide the State into Assembly Districts and provide for the election of Assemblymen therein. Del Valle-----	30		
66	An Act to divide the State into Congressional Districts. Del Valle--	30		
67	An Act to authorize the transfer of the cabinet of minerals in the State Library to the State Mining Bureau. Del Valle-----	30		



Number	TITLE.	Introduced	Passed Senate.	Passed Assembly.
68	An Act to promote and encourage the development of the mineral resources of the State of California, and for the support of the Mining Bureau. Del Valle-----	30	300	607
69	An Act entitled "An Act to regulate the practice of medicine and surgery in the State of California." Nelson-----	31		
70	An Act to amend Section 1303 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to fixing days for hearing petitions for probate of wills and relative to giving notice of such hearing. Johnson-----	31		
71	An Act to repeal Chapter II, of Title VI, of Part III, of the Political Code, and each and every section of said Chapter II, and to enact a new Chapter II, of Title VI, of Part III, of said Code, and substitute the same in place of said repealed Chapter II in said Code, relating to roads and highways. Ryan-----	31		
72	An Act to provide for the custody of insane criminals and persons charged with crime. Whitney-----	31	298	
73	An Act to amend the Penal Code and to add a new section thereto in regard to gambling. Whitney-----	31		
74	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as and numbered Section 3341 (Division IV, Part I, Title II), relating to damages committed by dogs and other animals to sheep, Angora goats, and Cashmere goats, and for the better protection of the same against the ravages of dogs and other animals. Spencer of Napa-----	35	101	639
75	An Act to repeal an Act entitled "An Act to protect sheep and lambs in this State," approved May 18, 1861. Spencer of Napa-----	35	101	
76	An Act to repeal an Act entitled "An Act to protect Cashmere and Angora goats against the ravages of dogs," approved March 13, 1866. Spencer of Napa-----	35	103	
77	An Act to amend Sections 633 and 634 of the Code of Civil Procedure, relating to findings. Spencer of Napa-----	35		
78	An Act to provide for the payment of jurors in criminal cases in Superior Courts. Perry-----	35		
79	An Act to declare when a vacancy exists in any elective or appointive office, board, or commission, of any county, city, city and county, township, or municipality, and to provide for filling the same. Dougherty-----	36		
80	An Act to authorize the payment of wages due to workmen who were employed in the construction of the Branch Prison at Folsom, which labor is a benefit to the State, and for which the State has never paid. Kelly of San Francisco-----	36		
81	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 715, relating to security to keep the peace, undertakings therefor, and discharge from imprisonment. Johnson-----	36	114	
82	An Act to pay the salary of the reporter of decisions of the Supreme Court, for the period elapsing from January 7 to July 1, 1880. Kellogg-----	37	100	659

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
83	An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new section thereto, relating to the commencement of actions upon any claim or demand before a Justice of the Peace, with whom such claim or demand has been previously left for collection, or who has been consulted thereon. Kellogg-----	37	119	
84	An Act entitled "An Act to protect the sidewalks in unincorporated towns and villages in California." Kellogg-----	37	239	
85	An Act to protect the public health, to prevent the introduction and spreading of disease, and to provide for the protection of the health of criminals under sentence on conviction of a misdemeanor. Kellogg-----	37	115	641
86	An Act to amend an Act entitled "An Act for the protection of miners," approved March 13, 1872. Reddy-----	37	104	
87	An Act to promote irrigation and regulate the distribution of water used therefor in the several counties of this State. Whitney----	37		
88	An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878. Whitney-----	38	96	
89	An Act to establish a State Reformatory School. Perry-----	38		
90	An Act to provide for the organization, incorporation, and government of municipal corporations, and providing for all classes, except cities containing a population of more than one hundred thousand inhabitants. Johnson-----	42		
91	An Act to repeal Sections 1560, 1561, 1562, 1563, and 1564 of the Political Code of the State of California, relating to and abolishing teachers' institutes. Reynolds-----	42		
92	An Act to regulate and improve the civil service of the State of California and the counties and cities and counties thereof. McClure-----	42		
93	An Act to prevent the adulteration of food or drugs. McClure-----	42		
94	An Act to facilitate the giving of bonds required by law. McClure--	42		
95	An Act to amend Section 539 of an Act to establish a Code of Civil Procedure, approved March 11, 1872, relative to undertaking on attachment. McClure-----	42		
96	An Act to amend Sections 312 and 315 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to the election of directors of corporations. McClure-----	42		
97	An Act to amend Section 442 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the filing and service of cross complaints. McClure-----	42		
98	An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known as Section 663, relating to proceedings for new trials. McClure-----	42	326	
99	An Act to amend Section 649 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to bills of exceptions. McClure-----	42	326	

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
100	An Act to amend Section 1666 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to settlement of estates of deceased persons. McClure-----	42	119	
101	An Act to amend Section 16 of an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April 16, 1880. McClure-----	43		
102	An Act to amend Section 609 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to instructions to juries. McClure-----	43		
103	An Act to amend Sections 1989, 1991, 1993, and 1994 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to witnesses. McClure-----	43		
104	An Act to provide for the compiling, illustrating, electrotyping, and copyrighting of a State series of text-books. McClure-----	43		
105	An Act entitled "An Act to repeal Section 338 of an Act to establish a Code of Civil Procedure," approved March 11, 1872, and to amend Section 340 of said Act, relative to the time of commencing actions other than for the recovery of real property. Lynch-----	43		
106	An Act to amend Section 613 of the Civil Code of the State of California, relating to cemetery corporations. Vrooman-----	43	134	
107	An Act to appropriate money to pay the claim of W. F. Boardman, Sherman Day, and Grant I. Taggart, for services as Commissioners in the action of The People of the State of California ex rel. Jo Hamilton, Attorney-General, vs. A. P. Pfeiffer et al., in Third District Court for Alameda County. Whitney-----	43		
108	An Act to encourage the use of steam as a motive power on roads and highways, and granting a reward of \$50,000 to any citizen who shall construct and operate a road engine capable of moving freight at a nominal cost. Cox-----	43		
109	An Act to appropriate moneys to pay James A. Waymire, William H. Sears, and John H. Dickinson, for professional services in testing the constitutionality of the "Act to promote drainage." Lynch-----	43		
110	An Act to amend Section 853 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the absence of State officers from the State. Taylor-----	44	325	638
111	An Act to provide for the publication of notices, matters, and things required by law to be published. Lynch-----	45		
112	An Act for the relief of James Saultry, for personal injuries received by him while in the service of the State. Ryan-----	45	340	556
113	An Act to amend Section 2468 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to certificates of partnership and actions brought without filing said certificates. Sullivan-----	45		
114	An Act to amend Section 1388 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the bonds of administrators. Sullivan-----	45		
115	An Act entitled "An Act to amend Section 1962 of an Act to establish a Political Code," approved March 12, 1872, relative to number of officers and privates of companies. Perry-----	48	326	

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
116	An Act entitled "An Act to amend Section 1965 of an Act to establish a Political Code," approved March 12, 1872, relative to bonds to secure the State against loss of property or company funds, etc. Perry-----	49	326	
117	An Act to amend the Constitution. Perry-----	49	403	665
118	An Act entitled "An Act to amend Section 241 of an Act to establish a Penal Code," approved February 14, 1872, relative to the punishment of assault. Perry-----	49		
119	An Act to provide for repayment of charges or assessments with interest thereon paid by land owners in swamp land reclamation districts in cases when all the land owners of said district have not paid such charges or assessments. Baldwin-----	49		
120	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, by adding a new section thereto, to be known as Section 3817, relating to revenue and the collection of property taxes and redemption from sales therefor. Baldwin-----	49	327	
121	An Act to repeal an Act entitled "An Act to provide an additional Judge of the Superior Court for the County of Mono," approved April 16, 1880. Reddy-----	49	310	580
122	An Act to amend Section 1634 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duty of School Census Marshal. Taylor-----	49		
123	An Act to amend Section 1097 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to elections and registration of voters. Spencer of Napa-----	49		
124	An Act to amend the Constitution. Spencer of Napa-----	49		
125	An Act to provide for a uniform system of text-books, to be used in the public schools of the State of California. Sullivan-----	49		
126	An Act to provide for the printing and binding of text-books by the State Printer of the State of California, after said books have been selected by the Board of Compilation. Sullivan-----	49		
127	An Act to provide for the free distribution of text books required for use in the public schools of the State of California. Sullivan----	49		
128	An Act to regulate the hours of labor on work done for the State. Kelly of San Francisco-----	50		
129	An Act to declare a part of the branch of the San Joaquin River, known as Middle River, not navigable. Baldwin-----	50		
130	An Act appropriating money for the completion of the Branch Normal School building at Los Angeles, and for the improvement of the grounds about the same. Del Valle-----	50	298	613
131	An Act to appropriate money for the support of aged and indigent persons residing in the home of the Veteran's Home Association. Del Valle-----	50	299	554
132	An Act entitled "An Act to grant the Boards of Health in cities and counties the power to regulate the plumbing and drainage of buildings." Dougherty-----	50	271	671

Number	TITLE	Introduced	Passed Senate	Passed Assembly
133	An Act to amend an Act entitled "An Act authorizing the Boards of Supervisors of the counties in which water is sold for purposes of irrigation to fix the rates at which such water shall be sold," approved March 26, 1880. Wolfskill-----	57		
134	An Act to establish a uniform system of county governments. Spencer of Napa-----	57		
135	An Act for the preservation of San Francisco and San Pablo Bays. Lynch-----	57		
136	An Act to provide for the separate confinement and correctional discipline of juvenile offenders. English-----	57		
137	An Act for the improvement of public streets within the limits of incorporated cities and towns having a population of less than one hundred thousand inhabitants. Murphy-----	57		
138	An Act to amend Section 115 of an Act entitled "An Act to establish a Code of Civil Procedure," relating to the jurisdiction of Justices' Courts. Maddox-----	57		
139	An Act to amend an Act entitled "An Act to provide a system of irrigation, promote rapid drainage, and improve the navigation of the Sacramento and San Joaquin Rivers," approved March 29, 1878. Vrooman-----	58		
140	An Act to amend the Constitution. Vrooman-----	58		
141	An Act to amend Section 592 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872. Vrooman-----	58		
142	An Act to amend Section 1428 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872. Vrooman-----	58		
143	An Act to prohibit the naturalization of Chinese or Mongolians in the State of California. Fraser-----	58		
144	An Act authorizing and directing the Board of State Harbor Commissioners to reduce or abolish the rate of dockage, wharfage, and tolls. Perry-----	62		
145	An Act to amend Section 355 of the Civil Code, relative to the powers and purposes of corporations. Chandler-----	62		
146	An Act to amend Section 1183 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to liens of mechanics and others upon real property. Reddy....	62		
147	An Act to protect more effectually the lives of railroad passengers from casualties by fire. Reddy-----	62		
148	An Act to add a new section, to be known as number 492, to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to railroad corporations and brakemen employed by said corporations. Sullivan-----	62		
149	An Act to add a new section to an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, to be known as Section 401, relating to neglect of duty by brakemen on railroad cars. Sullivan-----	62		
150	An Act to provide for refunding certain indebtedness of the State of California. Johnson-----	62		



Number	TITLE.	Introduced	Passed Senate	Passed Assembly
151	An Act relative to unclaimed bank dividends. Harrigan	63		
152	An Act to repeal an Act entitled "An Act amendatory of and supplementary to an Act entitled "An Act to regulate fees of office and salaries of certain officers in the County of San Luis Obispo," approved March 29, 1870, approved April 3, 1876. Steele	63		
153	An Act to amend Section 7 of an Act to define and enlarge the duties and powers of the State Board of Viticultural Commissioners and to authorize its appointment of certain officers and to protect the interests of horticulture and viticulture, approved March 14, 1881. Kelly of San Francisco	63		
154	An Act to appropriate money to John O. Brown to pay for materials furnished by him in the construction of the Branch State Prison at Folsom. Cox	63		
155	An Act to amend section four (4) of article eleven (11) of the Constitution of the State of California. McClure	63		
156	An Act to amend Section 349 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, known as the Civil Code, relative to the collection of delinquent assessments levied by corporations. McClure	63	325	
157	An Act to fix the compensation of the watchmen in and about the State Capitol and its grounds. Harrigan	63		
158	An Act to amend Section 872 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the holding of defendants to answer when charged with the commission of a public offense. Kelley of Solano	63		
159	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as Section 3478, relative to nuisances. Kelley of Solano	63		
160	An Act making an appropriation of \$15,000 for the protection and improvement of the buildings and grounds of the State University. Vrooman	63	300	605
161	An Act to amend Section 1582 of an Act entitled "An Act to establish a Code of Civil Procedure," relating to parties to civil actions and proceedings in certain cases named, concerning administrators and executors and persons interested in estates of decedents. Vrooman	63		
162	An Act to amend Section 369 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to parties to civil actions and proceedings, who are only necessary parties in certain instances named. Vrooman	63		
163	An Act to amend Section 1581 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the powers and duties of executors and administrators. Vrooman	64		
164	An Act to create a permanent Code Commission. Vrooman	64		
165	An Act to divide the State into Senatorial and Assembly Districts, and to provide for the election of Senators and Assemblymen therein. McClure	68		

Number	TITLE.	Introduced	Passed Senate.	Passed Assembly
166	An Act to amend Section 23 of an Act entitled "An Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto," approved March 5, 1870, relative to fees of office, and salaries of certain officers. Del Valle-----	68		
167	An Act to amend an Act entitled an Act to amend an Act to regulate the fees of office, approved March 5, 1870, approved April 4, 1870, relating to the official fees and charges of Justices of the Peace. Del Valle-----	68		
168	An Act to add a new section to the Penal Code, to be numbered Section 884, relating to examinations and complaints in criminal cases. Filcher-----	69		
169	An Act to amend Section 204 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to the method of selecting and returning jurors. Vrooman-----	69		
170	An Act to amend Section 626, and to repeal Section 627, of the Penal Code, relating to the destruction of game. Chandler-----	74		
171	An Act to amend Section 3336 of an Act entitled "An Act to establish a Civil Code," approved March 31, 1872, relating to the measure of damages. Reddy-----	74		
172	An Act to amend Section 3384 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to licenses. Kelley of Solano-----	74		
173	An Act to amend Section 276 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to attorneys and counselors at law. Kelley of Solano-----	74		
174	An Act to amend Section 3381 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the imposing and collection of licenses. Kelley of Solano-----	74		
175	An Act to amend Section 1543 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the lapsing of schools. Spencer of Napa-----	75		
176	An Act to regulate the practice of pharmacy. Cross-----	75		
177	An Act to regulate insurance companies. Kelly of San Francisco-----	75		
178	An Act to amend Section 245 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the number and designation of officers and employés of the Senate. Vrooman-----	75		
179	An Act to regulate and control the sale, rental, and distribution of appropriated water in this State other than in any city, city and county, or town therein, and to secure rights of way for the conveyance of such water to the places of use. Filcher-----	77		
180	An Act to authorize the levy and collection of business licenses, and to punish a failure to secure the same. Filcher-----	77		
181	An Act to amend Sections 626, 631, 632, 634, and 636, and to repeal Sections 627, 628, and 629, of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relating to the preservation of game and fish. Harrigan-----	77	328	592

Number -----	TITLE.	Introduced ---	Passed Senate.	Passed Assembly -----
182	An Act to amend an Act entitled "An Act to prevent persons passing through inclosures and leaving them open by tearing down fences or otherwise, and to prevent hunting upon inclosed lands in the State of California." Harrigan -----	78		
183	An Act to amend Section 4046 of the Political Code. Harrigan ----	78		
184	An Act in relation to pawnbrokers and pledgees. Harrigan -----	78		
185	An Act to provide for the classification of municipal corporations. Vrooman -----	78	239	502
186	An Act to amend Section 388 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to satisfaction of judgment against and sale of franchise owned by corporations, associations, or other persons. Spencer of Napa -----	78	326	
187	An Act to create the County of Los Alamos, to define the boundary thereof, to determine the county seat by election, and to provide for its organization and funds for its support by the issue of bonds or otherwise. Steele -----	81		
188	An Act to repeal an Act entitled "An Act to authorize the State Board of Examiners to invest the moneys derived from State lands in the bonds of the several counties of this State," approved February 2, 1872. Committee on Education -----	81	112	518
189	An Act to amend Sections 680 and 682, and to repeal Section 681 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the investment of the proceeds of the sale of State school lands. Committee on Education -----	81	112	519
190	An Act to amend Section 3051 of the Civil Code, relating to liens, and to provide for the manner of collecting and discharging such liens on certain personal property. Kellogg -----	81		
191	An Act to prevent the adulteration of milk, and to create the office of Milk Inspector in the several counties of the State. Foster.	81		
192	An Act to amend Section 631 of an Act entitled "An Act to establish a Penal Code," approved March 12, 1872, relating to the preservation of wild game. Foster -----	81		
193	An Act to amend Section 3854 of the Political Code, relating to the date of return of poll tax receipts by the Assessor. Foster -----	81		
194	An Act to amend Section 472 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the annual salary of Deputy Attorney-General. Cross -----	82		
195	An Act to amend Section 343 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the number and designation of civil executive officers. Cross -----	82		
196	An Act to provide for the purchase of certain portraits by the State Board of Examiners, and to appropriate money therefor. Cross	82	323	668
197	An Act to amend Sections 634 and 636 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to taking fish from the waters of this State. Kelley of Solano. ---	84		
198	An Act to divide the State of California into Congressional Districts, and to provide for the election of Congressmen therein. Kelley of Solano -----	84		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
199	An Act to amend Sections 392, 393, 394, 395, 396, 397, and 398 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the venue in civil cases. Kelley of Solano.....	85		
200	An Act to provide for the formation of new counties. Knight.....	85		
201	An Act to exempt volunteer firemen from the payment of road poll tax within incorporated cities and towns. Knight.....	85		
202	An Act to amend an Act entitled "An Act creating a Board of Bank Commissioners, and prescribing their duties and powers," approved March 30, 1878. English .....	85		
203	An Act to amend Section 1070 of the Penal Code of California, relating to challenge of jurors in criminal cases. Baldwin.....	85		
204	An Act to amend Section 496 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the punishment of receivers of stolen property. Cross.....	85		
205	An Act to amend Section 841 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872. Fraser.....	85		
206	An Act for the further protection of the viticultural industries of the State. Langford .....	89		
207	An Act to divide the State into Congressional Districts. Vrooman....	89		
208	An Act to amend Section 2349 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, declaring certain streams and waters public ways. Taylor.....	89		
209	An Act to amend Sections 3573 and 3574 of the Civil Code, in relation to holidays. English.....	92		
210	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section to Title XVI of Part I, to be numbered Section 679, relating to punishments. Vrooman .....	92		
211	An Act fixing jurisdiction and providing compensation for Justices of the Peace in cities and towns. Maddox.....	92	260	578
212	An Act for the relief of John W. Metcalf and George McLellan. Maddox.....	92	370	658
213	An Act to amend Section 1 of an Act entitled "An Act to define, regulate, and govern the State Prisons of California." Perry.....	92		
214	An Act to authorize the Governor of the State of California to reconvey to the United States a part of the lands heretofore granted the State of California by Act of Congress of July 2, 1862, and listed to the State of California under the Agricultural College grant of 150,000 acres. Cronan.....	92		
215	An Act to prohibit gas and water companies from charging consumers for pipes communicating with supply pipes on street mains, and the line of the street or sidewalk curb fronting the premises to be supplied, and there making connection with the pipes of the consumers. Cronan .....	92		
216	An Act to pay the claim of P. J. O'Connor for services as architect in the measurement of and the classification of the work done in the erection of the buildings for the Napa State Asylum for the Insane. Cronan .....	92		

Number -----	TITLE.	Introduced -----	Passed Senate.	Passed Assembly -----
217	An Act to establish a uniform system of county governments, and for that purpose to repeal Title II, Part IV, of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and substitute a new Title II of said Part IV therefor. Spencer of Napa -----	93		
218	An Act to add two new sections to an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to foreign corporations, said sections to be known as Sections 404 and 405 of said Code. Kelley of Solano -----	93		
219	An Act to add two new sections to an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, to be known as Sections 560 and 561, relative to procedure in actions against non-residents. Kelley of Solano -----	93		
220	An Act to amend Sections 2520, 2521, 2522, 2525, 2528, 2530, 2545, and 2552, of the Political Code, to repeal Section 2534 of said Code, and to add a new section thereto, to be known as Section 2554, and to repeal certain sections of an Act approved March 17, 1880, entitled "An Act to amend Section 6 of an Act entitled 'An Act concerning the water front of the City and County of San Francisco, approved March 15, 1878, and to confer further powers on the Board of State Harbor Commissioners,'" all of said sections relating to the Board of State Harbor Commissioners, their powers and duties. Lynch -----	93		
221	An Act to amend Section 427 of the Civil Code, to provide for the investment of capital and accumulations of corporations organized under the laws of this State, for the transaction of business in any kind of insurance. Cross -----	93		
222	An Act to amend Section 332 of the Civil Code, to provide for the levying of assessments by corporations. Cross -----	93		
223	An Act to add a new section to the Civil Code, to be known as Section 421, relating to the advertisement of the capital of insurance companies. Cross -----	93		
224	An Act authorizing certain corporations to act as executor, administrator, guardian, trustee, agent, depository, or receiver. Cox -----	98		
225	An Act to provide for the appointment of Prosecuting Attorneys for Police Judges' Courts in all consolidated city and county governments. Kelley of Solano -----	98		
226	An Act to establish a State Board of Forestry and Parks, and to appropriate moneys for the expenses thereof. Perry -----	98		
227	An Act to amend Section 832 of the Civil Code. Cronan -----	98		
228	An Act to provide for the submission of proposed amendments to the Constitution of the State of California to the qualified electors for their approval. McClure -----	108	230	540
229	An Act to amend Section 473 of the Civil Code, relating to the consolidation of the capital stock, debts, profits, assets, and franchises of railroad corporations, and to authorize such consolidation between railroad corporations organized in this State and railroad corporations of adjoining States. Reddy -----	108		
230	An Act to amend an Act entitled "An Act for the relief of insolvent debtors, for the protection of creditors, and for the punishment of fraudulent debtors," approved April 16, 1880, and known as the Insolvent Act of 1880. Reddy -----	108		



Number	TITLE.	Introduced	Passed Senate.	Passed Assembly
231	An Act to amend Section 737 of the Political Code of the State of California, relating to the salaries of the Judges of the Superior Courts of the City and County of San Francisco, and of the Counties of Alameda, San Joaquin, Los Angeles, Santa Clara, Yuba and Sutter combined, Sacramento, Butte, Nevada, and Sonoma. Sullivan-----	108		
232	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section thereto, to be known as Section 493, relating to the duty of railroad corporations to provide safeguards for passengers. Sullivan-----	109		
233	An Act to appropriate the sum of \$34,800, with legal interest thereon, to pay the amount found by the Sixth Judicial District Court to be due M. Miles and his sureties for work done under contract in building the State Prison at Folsom. Cronan-----	109		
234	An Act to amend Section 413 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the duties of Secretary of State. Fraser-----	109		
235	An Act in relation to the inspection of steam boilers in the State of California. Ryan-----	109	383	
236	An Act to amend Sections 1549, 1552, 1557, 1582, 1593, 1617, 1621, 1622, 1638, 1651, 1699, 1700, 1819, and 1859, and to repeal Sections 1533 and 1618 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to public schools, and to add a new section thereto, to be known as Section 1584. Vrooman-----	109		
237	An Act to amend Section 1741 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to fees chargeable to estates in the hands of the Public Administrator. Vrooman-----	109		
238	An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known and numbered as Section 1744, relative to Public Administrators, and the duties of persons having property of deceased persons, or persons presumed to be deceased, which has not been administered upon. Spencer of Napa-----	110		
239	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding thereto a new section, to be numbered Section 541. Taylor-----	110		
240	An Act to amend Section 92 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, and Acts amendatory thereof, and to add a new section to said Code, to be numbered as Section 108, relating to causes of divorce. Taylor-----	111		
241	An Act for the better protection of life and property, by regulating the management and use of steam boilers and other apparatus subject to pressure. Keating-----	111		
242	An Act for the regulation of the boarding of infant children. Del Valle-----	111		
243	An Act for the relief of H. D. Gamble. Keating-----	113		
244	An Act to amend Chapter XXVI of the Statutes, entitled "An Act in relation to certain deputies, assistants, and copyists of County Clerks," approved April 2, 1880. Keating-----	113		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
245	An Act to amend Section 516 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the traveling expenses of the Superintendent of Public Instruction. English-----	114		
246	An Act to amend Section 514 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the Deputy Superintendent of Public Instruction. English-----	114		
247	An Act to provide for the better control and management of the several funds of the University of California, and for the investment and security of the same. Johnson-----	115	304	560
248	An Act to regulate the retail sale of spirituous or malt liquors, and all intoxicating beverages. Johnson-----	115		
249	An Act to amend Section 4 of an Act entitled "An Act to create a Board of Bank Commissioners and prescribing their duties and powers," approved March 30, 1878. Ryan-----	115		
250	An Act to appropriate money to pay Edward Christy for lime used in the construction of the Branch State Prison at Folsom. Cox-----	115		
251	An Act to amend Section 528 of the Political Code, relating to the duties of State Printer. Kelly of San Francisco-----	117		
252	An Act to amend Section 2525 of the Political Code, relating to the streets lying along the water front of the City and County of San Francisco. Kelly of San Francisco-----	117		
253	An Act to prevent a monopoly on common carriers. Cronan-----	117		
254	An Act to regulate and limit the charges for services performed by telegraph corporations. Cronan-----	117		
255	An Act prohibiting banks or savings and loan societies, and the attorneys, counsel, and other employes thereof, from charging borrowers for searching or passing upon the title to property mortgaged to said banks or societies, and providing for the appointment and payment of attorneys and counselors of such banks and societies. Cronan-----	117		
256	An Act to limit and fix the rates and price of gas in all cities within the State of California having a population of 100,000 inhabitants or more. Cronan-----	117		
257	An Act to provide for a system of irrigation, and for the organization of irrigation districts. Reddy-----	117		
258	An Act to amend an Act entitled "An Act supplementary to and amendatory of an Act entitled 'An Act to incorporate the town of Red Bluff, Tehama County, California,'" approved March 31, 1876, approved February 28, 1878. Foster-----	117		
259	An Act respecting the sale by retail of spirituous, malt, and fermented liquors and wines. Foster-----	117		
260	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, by adding a new section thereto, to be known as Section 654 A, relating to owners and possessors of dogs that kill or damage sheep, and creating a misdemeanor. Johnson-----	117		
261	An Act to provide for the payment of the claim of William Saunders. Kelley of Solano-----	117		

Number -----	TITLE.	Introduced ---	Passed Senate.	Passed Assembly -----
262	An Act entitled "An Act relating to the cancellation of unapproved applications for lands under the grants of the 16th and 36th sections, of lands in lieu thereof, and under the 500,000 acre grant." Perry-----	117		
263	An Act to amend Section 514 of an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, relating to wagon road corporations. Ryan-----	122		
264	An Act to amend Section 2018 of "An Act to establish a Political Code," approved March 12, 1872, relative to time of parades. Perry-----	122		
265	An Act to amend Section 198 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relating to the qualification of jurors. Reddy-----	122		
266	An Act to amend Sections 778, 779, 780, and 781 of the Political Code of the State of California, in relation to printing the reports of the Supreme Court of the State, and to repeal Section 782 of the same Code. Spencer of Stanislaus-----	122		
267	An Act amendatory of "An Act declaring Islais Creek, in the City and County of San Francisco, a navigable stream," approved March 26, 1868. Cronan-----	122		
268	An Act relative to the granting of State aid to benevolent or other associations. McCarthy-----	124		
269	An Act to provide and pay for services rendered for the State of California by John Marty, Albert Grubbs, and Theodore Dosh. McCarthy-----	124		
270	An Act to amend Section 14 of an Act entitled "An Act to provide for funding the indebtedness of Levee District No. 2 of Sutter County," approved March 9, 1876. Chandler-----	130		
271	An Act to provide for presenting the claims of C. F. Reed, E. N. Strout, and A. S. Bender, Reclamation Fund Commissioners, to the Board of Examiners, and for the payment of the same. Steele-----	130		
272	An Act to provide for the payment of fees and per diem to witnesses in criminal cases. Reddy-----	130		
273	An Act to define the duties of the Surveyor-General in relation to the selection and location of lands in lieu of the 16th and 36th sections, and parts of said sections, for which the State of California is or may be entitled to indemnity. Del Valle-----	130		
274	An Act to amend Section 791 of the Political Code of California, in relation to Notaries Public. Johnson-----	130		
275	An Act for the protection of dairymen and dealers in and consumers of milk, and to prevent deception in the sale thereof. Perry----	130		
276	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to reporters of the Supreme Court and publication of reports. Whitney-----	130		
277	An Act to add two new sections to the Civil Code, concerning savings and loan corporations, to be known as Sections 580 and 581. Lynch-----	130		
278	An Act to provide for the appointment of members of Boards of Health in cities, counties, cities and counties, towns, or municipalities, and to fix their terms. Lynch-----	130		

Number-----	TITLE.	Introduced--	Passed Senate.	Passed Assembly-----
279	An Act making an appropriation for a deficiency in the appropriation for postage and expressage in the office of Superintendent of Public Instruction for the thirty-third fiscal year. Murphy-----	131	300	676
280	An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-third fiscal year. Murphy-----	131	301	977
281	An Act making an appropriation for a deficiency in the appropriation for traveling expenses of the Superintendent of Public Instruction for the thirty-second fiscal year. Murphy-----	131	301	678
282	An Act to amend Section 338 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, and to add a new section thereto, to be known as Section 349, relating to the time of commencing actions other than for the recovery of real property. Kellogg-----	131		
283	An Act to appropriate the sum of \$42,800 for the support of certain departments of the College of California, at Berkeley, during the thirty-fifth and thirty-sixth fiscal years. Vrooman-----	131		
284	An Act to amend Chapter II, Title IX, of Part I, of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, relative to proceedings supplemental to execution, by adding thereto a new section, to be known as Section 722. Vrooman-----	131		
285	An Act to amend Sections 3664, 3665, and 3734, and to add six new sections, to be numbered 3666, 3667, 3668, 3669, 3670, and 3671, to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to repeal a portion of Section 3650, all relating to revenue, and particularly to the assessment of railways by the State Board of Equalization, and the collection of State and county and city and county taxes due upon such assessment. Filcher-----	138	322	583
286	An Act to amend Sections 76 and 1333 of the Code of Civil Procedure. Knight-----	138		
287	An Act to appropriate money for the purchase of caligraphs for the use of teachers and students residing at the Asylum for the Deaf, Dumb, and Blind. Knight-----	139		
288	An Act authorizing and directing the Regents of the University of California to convey certain lands. Sullivan-----	139	303	595
289	An Act to amend Section 1613 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to requiring persons confined in the county jail to perform labor on the public works or ways of the county. Kelley of Solano-----	139		
290	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding two new sections thereto, to be known as Sections 3477 and 3475, relative to public nuisances. Kelley of Solano-----	139		
291	An Act to provide that each city having a volunteer fire department shall pay to each active member of such volunteer fire department the sum of two dollars per annum. Baldwin-----	139		
292	An Act to divide the State of California into Congressional Districts, and to provide for the election of Congressmen therein. Filcher-----	142		
293	An Act to amend Section 9 of Article XIII of the Constitution of the State of California. Steele-----	146		

Number	TITLE.	Introduced	Passed Senate	Passed Assembly
294	An Act to amend Sections 2993 and 2994 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, and to add thereto three sections, to be known as 2995, 2996, and 2997, relating to the vaccine agent and vaccine matter. Perry-----	146		
295	An Act to secure a representation of the resources and industries of California at the Amsterdam International Exhibition, and provide for the expenses thereof. Whitney-----	146	357	
296	An Act to amend Section 7 of Article IV of the Constitution of the State of California. Dudley-----	146		
297	An Act appropriating money for the establishment of a system of sewerage for the Deaf, Dumb, and Blind Asylum of this State, and the State University. Spencer of Napa-----	146		
298	An Act concerning the appointment of interpreters for the criminal Courts of the State of California. Harrigan-----	146		
299	An Act to prevent discriminations by gas companies in the State of California. Dougherty-----	146		
300	An Act to provide for the payment of James A. Waymire for services rendered as attorney at law in testing the constitutionality of the "Act to promote drainage." Sullivan-----	146		
301	An Act to authorize the erection of a State agricultural and industrial exhibition building on the State Capitol grounds, and to appropriate money therefor. Cox-----	153		
302	An Act for the better protection of life and property. Lynch-----	153		
303	An Act to add a section to an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relative to the salary of the Clerk of the State Board of Equalization. Spencer of Napa-----	152	417	673
304	An Act to amend Section 3478 of the Political Code, relating to reorganization of swamp land reclamation districts. Sullivan-----	153		
305	An Act to amend an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to the printing of statutes and journals. Whitney-----	154		
306	An Act to provide for the payment of the per diem of the members and attachés of the Constitutional Convention. Keating-----	159		
307	An Act to amend an Act entitled "An Act to establish a Civil Code," approved March 21, 1872, by adding a new section, to be numbered 3061, providing for a lien for taxes paid by persons having possession or control of personal property. Baldwin-----	159		
308	An Act to declare the dry docks and marine ways in this State public dry docks and marine ways when a compensation is asked for the use thereof, and to limit the compensation to be paid for such use. Harrigan-----	160		
309	An Act to appropriate the sum of two thousand five hundred dollars for the purpose of assisting the Home for Aged and Infirm Females, situated on Rincon Hill, San Francisco. English-----	160		
310	An Act to amend Section 2558 of the Civil Code, relating to void insurance policies. Perry-----	164		
311	An Act to amend Section 2562 of the Civil Code, relating to intentional concealment. Perry-----	164		



Number	TITLE.	Introduced	Passed Senate	Passed Assembly
312	An Act to amend Section 2587 of the Civil Code, relating to insurance policies, what the policy must contain and specify. Perry-----	164		
313	An Act to amend Section 2593 of the Civil Code, relating to the transfer of property insured, and the transfer of the policy issued upon such insurance. Perry-----	164		
314	An Act to amend Section 2596 of the Civil Code, relating to valued policies of insurance. Perry-----	164		
315	An Act to amend Section 2618 of the Civil Code, relating to canceling a policy of insurance, and a repayment to the insured of a certain proportion of the premium in certain cases. Perry-----	164		
316	An Act to amend Section 2633 of the Civil Code, relating to the exonerating of the insurer in case of loss. Perry-----	164		
317	An Act to amend Section 2634 of the Civil Code, relating to proof required of a loss by the insured. Perry-----	164		
318	An Act to add a new section to the Civil Code, to be known as Section 2656, relating to the contract of marine insurance, and specifying what the form of said contract of marine insurance shall be. Perry-----	164		
319	An Act to amend Section 2583 of the Civil Code, relating to the time when a right to rescind a contract of insurance shall be required. Perry-----	164		
320	An Act to provide a remedy in cases where damages have been sustained by the illegal and irregular proceedings of municipal officers, and for the payment of the same. Baldwin-----	165		
321	An Act to appropriate the sum of three thousand dollars for the purpose of paying the rent of "The Hastings College of Law, San Francisco." Sullivan-----	165	412	674
322	An Act to amend an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872, by adding a new section thereto, to be known as Section 960, relating to appeals. Baldwin-----	166		
323	An Act entitled "An Act to amend Section 5501 of the Civil Code," relating to rates of fares of street railroads. Whitney-----	168		
324	An Act to amend an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, and to add six new sections thereto, to be known as Sections 357 a, 357 b, 357 c, 357 d, 357 e, 357 f, relating to the unlawful possession, driving, marking, branding, purchase, and sale of stock and the hides of animals. Taylor-----	168		
325	An Act to add certain sections to the Civil Code of this State, in relation to the franchises of corporations, to be known as Title XVII, of Part IV, of Division I, of said Civil Code. Foster-----	168		
326	An Act to provide for the disposal of moneys remaining in the building fund of any school district after all bonds and indebtedness shall have been paid and liquidated, arising from the construction of school buildings. Knight-----	168		
327	An Act to amend an Act entitled "An Act to provide for the future management of the Napa State Asylum for the Insane," approved March 6, 1876. Spencer of Napa-----	169	301	618

Number -----	TITLE.	Introduced --	Passed Senate	Passed Assembly
328	An Act to amend Section 3571 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to the payment of moneys received for certain lands and school land warrants. McClure -----	169		
329	An Act entitled "An Act relating to swamp land surveys." Perry ..	170		
330	An Act to provide a Contingent Fund for the Senate, for the twenty-fifth session of the Legislature. Maddox -----	175	195	353
331	An Act to amend Sections 2433, 2436, 2440, and 2443 of Article V of the Political Code, relating to Pilots and Pilot Commissioners, and 2457, 2460, 2462, 2465, 2466, 2467, of Article VI, of the Political Code, relating to the pilot regulations for San Francisco, Mare Island, and Benicia. Lynch -----	175		
332	An Act to amend Section 5, Article XI, of the Constitution of the State of California. Johnson -----	175	384	
333	An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-second fiscal year. English -----	175	336	679
334	An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-third fiscal year. English -----	175	337	680
335	An Act making appropriation for a deficiency in the appropriation for the support of the State Prison at San Quentin for the thirty-fourth fiscal year. English -----	175	337	682
336	An Act fixing the terms of office of all officers whose appointment is now or may hereafter be vested in the Governor, except those provided for in the Constitution, and to regulate the tenure thereof. Langford -----	175		
337	An Act to authorize the State Treasurer to refund and pay over certain moneys received from the sale of certain State lands. English -----	175		
338	An Act to provide for the erection of a building for the insane at the State Asylum at Stockton, and for the improvement of the drainage and water supply thereof. Public Buildings Committee -----	182	335	606
339	An Act to compel Assessors to assess property at its full cash value. Ryan -----	182		
340	An Act to authorize the Coroner in consolidated city and county governments to appoint a physician to hold autopsies, and fix his compensation for the same. Keating -----	182		
341	An Act to incorporate religious societies. Cox -----	182		
342	An Act to amend Sections 22, 23, and 24, of Article XII, of the Constitution of the State of California. Johnson -----	182		
343	An Act authorizing the Boards of Supervisors of the several counties of the State to pass ordinances in relation to trespassing animals. Foster -----	182		
344	An Act to regulate fire, marine, and inland insurance companies transacting business in this State. Cronan -----	182		
345	An Act to provide a remedy in certain cases. Cronan -----	182		

Number	TITLE	Introduced	Passed Senate	Passed Assembly
346	An Act to repeal Section 1861 of the Civil Code, approved April 1, 1876. Cronan	182		
347	An Act to regulate sailor boarding houses and shipping offices, and to provide for the creation of a Board of Commissioners, and prescribing their powers and duties. Cronan	182		
348	An Act to appropriate money for the construction and completion of roads and trails, and generally to improve and preserve the territory within the limits of the Yosemite Valley and Mariposa Big Tree grant. Vrooman	183	337	624
349	An Act to prohibit the burial of the dead within the corporate limits of any town, city, or county, in this State, and to provide for the disposal of dead bodies. McClure	192		
350	An Act to amend Sections 552 and 559 of an Act entitled "An Act to establish a Code of Civil Procedure," adopted March 11, 1872, concerning attachments. Kelley of Solano	192		
351	An Act to add four new sections to the Act entitled "An Act to establish a Political Code," approved March 12, 1872, having reference to the payment of interest upon the principal of warrants drawn upon the State Treasurer and not paid for want of funds. Spencer of Napa	192		
352	An Act to appropriate money for the improvement of the water supply for the Deaf and Dumb Asylum. Committee on Public Buildings	192	336	
353	An Act to authorize Boards of Supervisors to allow County Auditors to audit and County Treasurers to pay claims of persons who have, through a mistake as to the law, been elected to the office of Roadmasters. Knight	192		
354	An Act to amend Section 4048 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to funding and re-funding county indebtedness. Spencer of Stanislaus	192		
355	An Act to amend an Act entitled "An Act to create Hastings' College of the Law in the University of the State of California," approved March 26, 1878. Committee on Education	192	270	517
356	An Act for the appropriation of money for the erection of buildings and improvements and the purchase of land for the Napa State Asylum for the Insane. Joint Committee on Public Buildings	192	336	606
357	An Act concerning divorces to be granted in actions brought in the name of the people of the State. Cross	199		
358	An Act to appropriate money for the support of aged persons in indigent circumstances. Whitney	199	384	685
359	An Act for the better collection of revenue. Cronan	199		
360	An Act to amend Section 3546 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, relating to proceedings against delinquent purchasers. Ryan	204		
361	An Act to regulate the mode of committing persons convicted of a felony to the State Prisons. Perry	204		
362	An Act to prevent common carriers from making discriminations, and unjust and extortionate charges on the carriage of goods in violation of law. Lynch	204		

Number -----	TITLE.	Introduced --	Passed Senate.	Passed Assembly by -----
363	An Act to amend Section 1769 of the Code of Civil Procedure in relation to the powers and duties of guardians. Johnson-----	204		
364	An Act to amend Section 529 of an Act entitled "An Act to establish a Code of Civil Procedure," approved March 11, 1872. Cross-----	204		
365	An Act to appropriate money for the repair of the roof of the Capitol, for the plumbing, painting, renovating, and ventilating of the State Capitol. Committee on Public Buildings-----	210		
366	An Act to enable women to vote at elections for school officers, and on matters pertaining solely to schools, and to qualify them to hold all educational offices. Cross-----	219		
367	An Act for the relief of the fishery interests of the State, and to provide a suitable canal for fish to enter the stream of Cache Creek. Kelley of Solano-----	219		
368	An Act making appropriation to pay deficiency in the appropriation for repairs to State Capitol building, and furniture and purchase of carpets for the thirty-fourth fiscal year. Murphy-----	219	337	683
369	An Act to amend Section 2137 of an Act to establish a Political Code, approved March 12, 1872, relating to insane asylums. Langford-----	223	383	648
370	An Act to vacate certain offices, to define the tenure of office in the offices vacated, and to create a new cause of vacancy for a certain purpose in certain offices. Taylor-----	226		
371	An Act making appropriation to pay deficiency in the appropriation for repairs to the State Capitol building, and furniture and purchase of carpets for the thirty-fourth fiscal year. Ryan-----	226		
372	An Act to establish a State Board of Silk Culture, and to provide moneys for the expenses thereof. Johnson-----	234	382	671
373	An Act to pay Mrs. Annie McNamee, widow and residuary legatee of Frank McNamee, deceased, for moneys advanced and merchandise furnished by said Frank McNamee, deceased, to M. Miles, in the months of July, August, and September, A. D. 1875, in performing his contract with the State to erect a branch State Prison at Folsom. Routier-----	234		
374	An Act to add a new section to the Civil Code, to be numbered Section 553, relating to the forfeiture of charters of corporations supplying water to the inhabitants of towns, cities, or cities and counties. Lynch-----	237		
375	An Act defusing and imposing certain duties on the Board of Directors, Board of Trustees, or other governing body, officers, and employees of insane asylums, controlled exclusively by the State, and regulating the manner of providing supplies for the insane therein. Baldwin-----	240		
376	An Act to ascertain the sum due on all claims for work done and materials furnished under the provisions of an Act entitled "An Act to promote drainage," approved April 23, 1880, and to appropriate money to pay the same, not exceeding \$275,000. Chaudler-----	247		
377	An Act to amend Section 636 of the Penal Code. McCarthy-----	247		
378	An Act to amend Section 636 of an Act entitled "An Act to establish a Penal Code," approved March 2, 1881. McCarthy-----	247		
379	An Act to confer further power on the State Board of Health. McCarthy-----	247		

Number	TITLE.	Introduced.	Passed Senate.	Passed Assembly.
380	An Act to amend an Act entitled "An Act supplemental to and amendatory of an Act to regulate the practice of medicine in the State of California," approved April 3, 1876, approved April 1, 1878. Knight -----	247		
381	An Act to authorize the establishment of a quarantine station for the Harbor of San Francisco. Committee on Hospitals.-----	247		
382	An Act to amend Sections 2238 and 2240 of an Act entitled "An Act to establish a Political Code," approved March 12, 1872, in relation to the admission of pupils to the Deaf, Dumb, and Blind Asylum. Maddox -----	247		
383	An Act to add a new section, numbered 444, to an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to the payment to the State Treasurer by Boards of Directors, Trustees, or Managers of, or the Treasurers of such Boards, of money received for the care of persons within institutions, schools, or asylums supported by the State. Maddox.-----	248		
384	An Act to establish a simple, speedy, and inexpensive system of procedure in civil cases. Lynch -----	248		
385	An Act to amend Section 6 of an Act entitled "An Act supplemental to and amendatory of an Act to regulate the practice of medicine in the State of California," approved April 3, 1876. Perry ..	248		
386	An Act to provide for the granting of diplomas to persons who have practiced medicine for five years in this State. Whitney -----	253		
387	An Act to amend an Act entitled "An Act to amend an Act to provide for the formation of corporations for the accumulation and investment of funds and savings," approved April 11, 1862. McCarthy ..	257		
388	An Act granting relief to taxpayers whose lands have been sold to the State. English -----	257		
389	An Act to amend Sections 634 and 636 of an Act entitled "An Act to establish a Penal Code," approved February 14, 1872, relative to taking fish from the waters of this State. Kelley of Solano ..	257		
390	An Act to confer additional powers on the Board of Railroad Commissioners of the State of California. Kelley of Solano -----	257		
391	An Act providing for submitting to a vote of the qualified electors of a county, or city and county, a proposal to issue bonds. Sullivan ..	321	389	672
392	An Act to appropriate money to provide a Contingent Fund for the Senate for the twenty-fifth session of the Legislature. Maddox ..	360	373	636



## SENATE JOINT RESOLUTIONS.

Number-----	TITLE.	Introduced ---	Passed Senate.	Passed Assem- bly -----
1	Relative to asking congressional action on behalf of the University of California. Cross-----	64	89	168
2	Relative to the bill pending in the United States Congress regarding the consolidation of the Southern Pacific Railroad with eastern companies. Del Valle-----	95		
3	Relative to securing from Congress an increase of the time the Commissioners of Yosemite Valley and Mariposa Big Tree Grove, may grant leases to property therein. Spencer of Stanislaus----	118		

## SENATE CONCURRENT RESOLUTIONS.

Number-----	TITLE.	Introduced --	Passed Senate.	Passed Assem- bly -----
1	Relative to organization of Senate and Assembly. Filcher-----	8	8	
2	Relative to inauguration of the Governor. Spencer of Napa-----	8	8	
3	Relative to Joint Convention of Senate and Assembly. Del Valle--	8	8	
4	Relative to requesting Congress to make an appropriation for the improvement of the navigable portion of Napa River, from the head of navigation at Napa City, to Mare Island. Spencer of Napa--	21	21	28
5	Relative to the location of the eastern boundary line of the State of California. Fraser -----	36	235	
6	Relative to the passage of Chinese through the United States. Perry--	36	156	
7	Relative to the State Engineer devising a plan of sewerage for the Deaf, Dumb, and Blind Asylum, and State University, in Alameda County. Spencer of Napa-----	38	77	94

Number -----	TITLE.	Introduced --	Passed Senate.	Passed Assembly by -----
8	Relative to the appointment of Captain John Mullan as the agent and attorney of the State of California at Washington, D. C. Taylor -----	54		
9	Relative to furnishing copies of all laws passed at this session of the Legislature to the Supreme and Superior Courts of this State. Filcher -----	66	66	126
10	Relative to joint meetings of Senate and Assembly Committees, on Counties, County Government, and Township Organization. Spencer of Napa -----	82		
11	Relative to purchasing certain lands from the United States. Knight -----	89		
12	Relative to instructing our Senators, and requesting our Representatives in Congress, to take certain action in regard to Alaskan government. Cross -----	192	236	
13	Relative to bills now pending in the Congress of the United States having for their object the transfer of the revenue cutter service from the Treasury to the Navy Department, and the establishment of a Bureau of Mercantile Marine. McClure -----	193	253	
14	Relative to securing from Congress an increase of the time for which the Commissioners of Yosemite Valley and Mariposa Big Tree Grove may grant leases to property therein. Spencer of Stanislaus -----	194		
15	Relative to requesting our Representatives and instructing our Senators to use their best efforts toward the promotion of W. J. Reed, U. S. A. Ryan -----	213	236	584
16	Relative to the mail service between the United States and New Zealand and Australia. McClure -----	234		
17	Relative to calling the attention of the President and Cabinet and the Congress to the frauds and intimidations at Mare Island. Spencer of Stanislaus -----	234		
18	Relative to the proposed repeal of the preëmption laws of the United States, and instructing our Senators and Representatives in Congress to oppose such repeal. Whitney -----	237	237	
19	Relative to supplying the members of the late Constitutional Convention with copies of the debates of that body, which are now lying in the office of the Secretary of State. Cross -----	253	253	684
20	Relative to amendments to the Constitution. Ryan -----	256		
21	Relative to requesting the Secretary of the Interior to quiet the disputed titles to the land included in the El Sobrante grant, in Contra Costa and Alameda Counties. English -----	321	322	584













